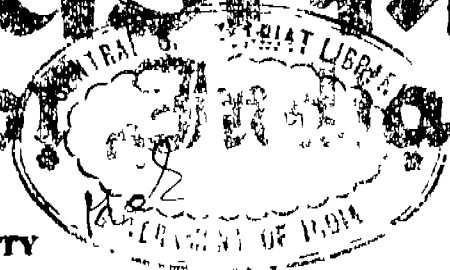




भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY



नं. 11]

नई दिल्ली, शनिवार, मार्च 17, 2001/फाल्गुन 26, 1922

No. 11]

NEW DELHI, SATURDAY, MARCH 17, 2001/PHALGUNA 26, 1922

इस भाग में मिल पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय
(राजस्व विभाग)

आदेश

नई दिल्ली, 26 फरवरी, 2001

स्टाम्प

का प्रा 538—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा, मैं, आई एफ सी आई लिमिटेड, नई दिल्ली को मात्र एक करोड़ चौदह लाख बारह हजार चार सौ तीस रुपए का समकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है जो उक्त कम्पनी द्वारा प्रोमिसरी नोटों के रूप में निम्न प्रकार से वर्णित बंधपत्रों पर स्टाम्प शुल्क के कारण प्रभाव्य है —

(क) क्रमशः 26-12-2000, 28-12-2000 तथा 01-01-2001 को आबंटित मात्र एक करोड़

अट्ठाईस लाख रुपए के समग्र मूल्य के 20001920 से 20002047 तक की विशिष्ट संख्या वाले आई.एफ.सी.आई. 'ऑन-टैप' बंधपत्र,

(ख) 20-12-2000 को आबंटित मात्र एक सौ दस करोड़ बानवे लाख रुपए के समग्र मूल्य के 3900001 से 3911592 तक की विशिष्ट संख्या वाले आई.एफ.सी.आई. पी पी बंधपत्र (39वीं शृंखला); और

(ग) 19-01-2001 तथा 12-02-2001 को आबंटित मात्र तीन करोड़ चौगसी लाख पचासी हजार पंच सौ पचासी रुपये के समग्र मूल्य के 1099 तथा 1100 की विशिष्ट संख्या वाले आई.एफ.सी.आई. जमा प्रमाण पत्र ।

[मं. 13/2001—स्टाम्प/फा सं 33/15/2001—वि.क.]

प्रार जी छाबडा, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

ORDER

New Delhi, the 26th February, 2001

STAMPS

S.O. 538.—In exercise of the powers conferred by clause (b) of sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits M/s. IFCI Limited, New Delhi to pay consolidated stamp duty of rupees one crore fourteen lakh twelve thousand four hundred thirty only chargeable on account of the stamp duty on Bonds in the nature of promissory notes described as—

- (a) IFCI 'On-Tap' Bonds bearing distinctive numbers from 20001920 to 20002047 aggregating to rupees one crore twenty eight lakh only allotted on 26-12-2000, 28-12-2000 and 01-01-2001;
- (b) IFCI PP Bonds (39th Series) bearing distinctive numbers from 3900001 to 3911092 aggregating to rupees one hundred ten crore ninety two lakh only allotted on 20-12-2000; and
- (c) IFCI Certificate of Deposit bearing distinctive numbers 1099 and 1100 aggregating to rupees three crores eighty four lakh eighty five thousand five hundred eighty five only allotted on 19-01-2001 and 12-02-2001.

by the said Company.

[No. 13/2001-STAMPS/F. No. 33/15/2001-ST]

R. G. CHHABRA, Under Secy.

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 1 मार्च, 2001

(आयकर)

का.प्रा. 539:—सामान्य जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार नीचे लिखे संगठनों को उनके नाम के सामने उल्लिखित अवधि के लिए आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (i) के खंड (ii) के प्रयोजनार्थ "संस्था" श्रेणी के अन्तर्गत निम्नलिखित शर्तों के अधीन अनुमोदित करती है :—

- (i) अधिसूचित संस्था अपने अनुसंधान कार्यकलापों के लिए अलग लेखा बहियों का रख-रखाव करेगी ;
- (ii) अधिसूचित संस्था प्रत्येक वित्तीय वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गतिविधियों की वार्षिक रिटन प्रत्येक वर्ष 31 मई को अथवा

उससे पहले सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग "टक्नोलॉजी भवन" न्यू महरोली रोड, नई दिल्ली-110016 को प्रस्तुत करेगी ;

- (iii) अधिसूचित संस्था केन्द्र सरकार की तरफ से नामोद्दिष्ट निर्धारण अधिकारी को आयकर की विवरणी के अनिवार्य अपने लेखा परीक्षित वार्षिक लेखों की एक प्रति तथा अपने अनुसंधान कार्यकलापों के संबंध में लेखा परीक्षित आय एवं व्यय जिनके लिए आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत छूट प्रदान की गई थी, की भी एक प्रति संस्था के ऊपर अधिकार क्षेत्र वाले (क) आयकर महानिदेशक (छूट), 10 मिडिलटन रॉ, पांचवां तल कलकत्ता-700071, (ख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग तथा (ग) आयकर आयुक्त/आयकर निदेशक (छूट) को प्रत्येक वर्ष 31 अक्तूबर को अथवा उससे पहले प्रस्तुत करेगी ।

क्र. अनुमोदित संस्था का नाम सं.	अवधि जिनके लिए अधिसूचना प्रभावी है
1. लोकमान्य तिलक अस्पताल सिल्वर जुबली रिसर्च फाउंडेशन एलटीएमजी, अस्पताल कालेज भवन, सायन, मुम्बई-400022 (फा. सं. 203/1/2001-ग्राई.टी.ए.-ji)	1-4-2000 से 31-3-2003 तक
2. इंडियन हाट फाउंडेशन एण्ड रिसर्च इंस्टीट्यूट सी-II, सिल्वर आर्क, गुजरात कालेज के समीप, रेलवे क्रासिंग, एलिमब्रिज, अहमदाबाद-380006 (फा. सं. 203/1/2001-ग्रा.क.नि. ii)	1-4-2000 से 31-3-2003 तक
3. कैसर सेटर एण्ड वेलफेयर होम एण्ड रिसर्च इंस्टीट्यूट, महात्मा गांधी रोड, थाकुर पुकर, कलकत्ता-700063 (फा. सं. 203/1/2001-ग्रा.क.नि. ii)	1-4-2000 से 31-3-2003 तक
4. नेशनल इंस्टीट्यूट ऑफ इम्यूनोलॉजी, अरूणा आसफ अली मार्ग, नई दिल्ली-110067 (फा. सं. 203/1/2001-ग्रा.क.नि. ii)]	1-4-99 से 31-3-2002 तक
5. के. के. बिड़ला अकादमी सूर्या किरण बिल्डिंग, 19, कस्तूरबा गांधी मार्ग, नई दिल्ली-110001	1-4-99 से 31-3-2002 तक

1	2	3
6.	लीलावती कीर्ति लाल मेहता मैडिकल ट्रस्ट रिसर्च सेंटर, लीलावती हॉस्पिटल, ए-791, बांद्रा, रेक्लेमेशन, बांद्रा वेस्ट, मुम्बई-50	1-4-2000 से 31-3-2003 तक
(फा. सं. 203/1/2001-आ.क.नि. ii)		

टिप्पणी :—अधिसूचित संस्थाओं को सलाह दी जाती है कि वे अनुमोदन के आगे विस्तार के लिए अधिकार क्षेत्र वाले आयकर आयुक्त/आयकर निदेशक (छूट) के माध्यम से केन्द्र सरकार को समय से पहले आवेदन करें। अनुमोदन के विस्तार के लिए आवेदन पत्र की तीन प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को सीधे भेजी जाएंगी।

[अधिसूचना सं. 47/2001/फा. सं. 203/1/2001 और 203/11/2001-आ.क.नि. II]

कमलेश सी. वार्शनी, अव्वर सचिव

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 1st March, 2001

(INCOME TAX)

S.O. 539.—It is hereby notified for general information that the organisations mentioned below have been approved by the Central Government for the period mentioned against their names, for the purpose of clause (ii) of sub-section (1) of section 35 of the Income tax Act, 1961, read with Rule 6 of the Income tax Rules, 1962 under the category "Institution" subject to the following conditions :—

- The notified Institution shall maintain separate books of accounts for its research activities;
- The notified Institution shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;
- The notified Institution shall submit, on behalf of the Central Government, to (a) the Director General of Income tax (Exemptions), 10 Middleton Row, 5th Floor, Calcutta-700071 (b) the Secretary, Department of Scientific and Industrial Research, and (c) the Commissioner of Income tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income tax Act, 1961 in addition to the return of income tax to the designated assessing officer.

S. No.	Name of the organisation approved	Period for which Notification is effective
--------	-----------------------------------	--

1	2	3
1.	Lokmanya Tilak Hospital Silver Jubilee Research Foundation, L.T.M.G. Hospital College Building, Sion, Mumbai-400022 (F. No. 203/1/2001-ITA-II)	1-4-2000 to 31-3-2003

1	2	3
2.	Indian Heart Foundation & Research Institute, C-11, Silver Arc, Near Gujarat College Railway Crossing, Ellisbridge, Ahmedabad-380006 (F. No. 203/1/2001-ITA-II)	1-4-99 to 31-3-2002
3.	Cancer Centre & Welfare Home & Research Institute, Mahatma Gandhi Road, Thakurpukur, Calcutta-700063 (F. No. 203/1/2001-ITA-II)	1-4-2000 to 31-3-2003
4.	National Institute of Immunology, Aruna Asaf Ali Marg, New Delhi-110067 (F. No. 203/1/2001-ITA-II)	1-4-99 to 31-3-2002
5.	K.K Birla Academy, Surya Kiran Building, 19, Kasturba Gandhi Marg, New Delhi-110001 (F. No. 203/1/2001-ITA-II)	1-4-99 to 31-3-2002
6.	Lilawati Kirtilal Mehta Medical Trust Research Centre, Lilawati Hospital, A-791, Bandra Reclamation, Bandra West, Mumbai-50 (F. No. 203/11/2001-ITA-II)	1-4-2000 to 31-3-2003

Notes: The notified Institutions are advised to apply in triplicates and well in advance for renewal of the approval, to the Central Government through the Commissioner of Income tax/Director of Income tax (Exemptions) having jurisdiction. Three copies of application for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 47/2001/F. No. 203/1/2001 & 203/11/2001-ITA-II]

KAMLESH C. VARSHNEY, Under Secy.

नई दिल्ली, 1 मार्च, 2001

आयकर

का. आ. 540.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार, आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (i) के खंड (ii) के प्रयोजनार्थ अधोलिखित संगठनों को उनके नाम के सामने उल्लिखित अवधि के लिए "संस्था" श्रेणी के अंतर्गत निम्नलिखित शर्तों के अधीन अनुमोदित करती है :—

- अधिसूचित संस्था अनुसंधान गतिविधियों के लिए अलग लेखा नहीं रखेगी,
- अधिसूचित संस्था हर एक वित्त वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गतिविधियों की वार्षिक रिपोर्ट प्रतिवर्ष 31 मई को अथवा उससे पहले सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग, प्रौद्योगिकी भवन, न्यू महरोली रोड, नई दिल्ली-110016 को प्रस्तुत करेगी,

(iii) अधिसूचित संस्था केन्द्र सरकार की तरफ से नामित कर निर्धारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अलावा अपने लेखा परीक्षित वार्षिक लेखों की एक प्रति तथा अपनी अनुसंधान गति-विधियों जिसके लिए आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अंतर्गत छूट प्रदान की गई थी, के संबंध में आय और व्यय खाते की लेखा परीक्षा की एक प्रति प्रतिवर्ष 31 अक्टूबर, को अथवा उससे पहले संगठन पर अधिकार क्षेत्र वाले (क) आयकर महानिदेशक (छूट) 10 मिडलटन रो, 5 वां तल, कलकत्ता-700071, (ख) सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग (ग) आयकर आयुक्त/आयकर निदेशक (छूट) को प्रस्तुत करेगा।

में अपने क्षेत्राधिकार में आने वाले आयकर आयुक्त/आयकर निदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करें। अनुमोदन के नवीनीकरण के लिए आवेदन की तीन प्रतियां सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग को भी सीधे भेजी जाएंगी।

[अधिसूचना संख्या : 48/2001/203/1/2001 और 203/11/2001—आईटीए-II]

कमलेश सी. वाण्येय, अवर सचिव

New Delhi, the 1st March, 2001

(INCOME TAX)

S.O. 540.—It is hereby notified for general information that the organisations mentioned below have been approved by the Central Government for the period mentioned against their names, for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961, read with Rule 6 of the Income-tax Rules, 1962 under the category "Institution" subject to the following conditions:—

क्र. अनुमोदित संगठन का नाम अधिध जिसके लिए अधिसूचना प्रभावी है

1. इंटरनेशनल बोर्ड आफ योगा, योग भवन, प्रभात कालोनी सांताक्रुज (पूर्व), मुम्बई-400055 (फा.सं. 203/1/2001/आ.क.नि. II) 1-4-99 से 31-3-2001 तक
2. एशियन सेंटर फोर आर्गेनाइजेशन रिसर्च डेवेलपमेंट, 126 ग्रेटर कैलाश-I, नई दिल्ली [फा.सं. 203/1/2001—आईटीए-II] 1-4-99 से 31-3-2001 तक
3. द. इंस्टीट्यूट ऑफ कम्पनी मैनेजमेंट आफ इंडिया "आईसीएसआई हाउस" 22, इंस्टीट्यूशनल एरिया, लोदी रोड, नई दिल्ली-110003 (फा.सं. 203/1/2001/आईटीए-II) 1-4-2000 से 31-3-2003 तक
4. इंडियन इंस्टीट्यूट आफ मारवारी एंटरप्रेनोरशीय 1, महात्मा गांधी मार्ग, झालना इंस्टीट्यूशनल एरिया, जयपुर (फा.सं. 203/1/2001/आईटीए-II) 1-4-99 से 31-3-2000 तक
5. इंडियन इंस्टीट्यूट आफ मारवारी एंटरप्रेनोरशीय 1, महात्मा गांधी मार्ग, झालना इंस्टीट्यूशनल एरिया, जयपुर (फा.सं. 203/1/2001/आईटीए-II) 1-4-2000 से 31-3-2003 तक
6. जैन विश्व भारती, लाडनू, राजस्थान पोस्ट बॉक्स नं. 8, लाडनू, जिला नागौर-341306 [फा.सं. 203/1/2001/आईटीए-II] 1-4-2000 से 31-3-2003 तक
7. कृपा फाउंडेशन केयर आफ माउंट कारमेल चर्च 31/ए चापल रोड, बांद्रा, मुम्बई-50 (फा.सं. 203/11/2001/आईटीए-II) 22-6-2000 से 31-3-2002 तक

- (i) The notified Institution shall maintain separate books of accounts for its research activities;
- (ii) The notified Institution shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;
- (iii) The notified Institution shall submit, on behalf of the Central Government, to (a) the Director General of Income tax (Exemptions), 10 Middleton Row, 5th floor, Calcutta-700071, (b) the Secretary, Department of Scientific & Industrial Research and (c) the Commissioner of Income tax/Director of Income tax (Exemptions), having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income tax Act, 1961 in addition to the return of income tax to the designated assessing officer.

S. No. Name of the organisation approved Period for which Notification is effective

(1)	(2)	(3)
1.	International Board of Yoga, Yoga Bhawan, Prabhat Colony, Santacruz (East), Mumbai-400055 (F. No. 203/1/2001-ITA-II)	1-4-1999 to 31-3-2001
2.	Asian Centre for Organisation Research Development, 126, Greater Kailash-I, New Delhi. (F. No. 203/1/2001-ITA-II)	1-4-99 to 31-3-2000
3.	The Institute of Company Secretaries of India 'ICSI House', 22, Institutional Area, Lodhi Road, New Delhi-110003 (F. No. 203/1/2001-ITA-II)	1-4-2000 to 31-3-2003
4.	Indian Institute of Marwari Entrepreneurship, 1, Mahatma Gandhi Marg, Jhalana Institutional Area, Jaipur. (F. No. 203/1/2001-ITA-II)	1-4-99 to 31-3-2000

टिप्पणी :—अधिसूचित संस्था को यह सनाह दी जाती है कि वे अनुमोदन के नवीनीकरण हेतु पहले से ही तीन प्रतियों

5. Indian Institute of Marwari Entrepreneurship,
1, Mahatma Gandhi Marg,
Jhalana Institutional Area,
Jaipur.
(F. No. 203/1/2001/ITA-II)
6. Jain Vishva Bharati,
Ladnun,
Rajasthan,
Post Box No. 8,
Ladnun, Distt.
Nagpur-341306
(F. No. 203/1/2001-ITA-II)
7. Kripa Foundation,
C/o Mt. Carmel Church,
81/A, Chapal Road,
Bandra,
Mumbai-50
(F. No. 203/11/2001/ITA-II)

Notes: The notified Institutions are advised to apply in triplicates and well in advance for renewal of the approval, to the Central Government through the Commissioner of Income tax/Director of Income tax (Exemptions) having jurisdiction. Three copies of application for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 48/F. No. 203/1/2001 & 203/11/2001-ITA-II]

KAMLESH C. VARSHNEY, Under Secy.

नई दिल्ली, 1 मार्च, 2001

(आयकर)

का. प्रा. 541.—सामान्य जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार नीचे लिखे संगठनों को उनके नाम के सामने उल्लिखित अवधि के लिए आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ "संघ" श्रेणी के अन्तर्गत निम्नलिखित शर्तों के अधीन अनुमोदित करती है :—

- (i) अधिसूचित संघ अपने अनुसंधान कार्यकलापों के लिए अलग लेखा बहियों का रख-रखाव करेगी ;
- (ii) अधिसूचित संघ प्रत्येक वित्तीय वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गतिविधियों की वार्षिक रिटर्न प्रत्येक वर्ष 31 मई को अथवा उससे पहले सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग "टेक्नोलॉजी भवन", न्यू महरोली रोड, नई दिल्ली-110016 को प्रस्तुत करेगी ;
- (iii) अधिसूचित संघ केन्द्र सरकार की तरफ से नामोद्घिष्ट निर्धारण अधिकारी को आयकर की विवरणी के अतिरिक्त अपने लेखा परीक्षित वार्षिक लेखों की एक प्रति तथा अपने अनुसंधान कार्यकलापों के संबंध में लेखा परीक्षित आय एवं व्यय जिसके लिए आयकर अधिनियम 1961 की धारा 35 की उपधारा (1) के अन्तर्गत ट प्रदान की गई

थी की भी एक प्रति संघ के ऊपर अधिकार क्षेत्र वाले (क) आयकर महानिदेशक (छूट), 10 मिडिलटन रोड, पांचवां तल, कलकत्ता-700071 (ख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग तथा (ग) आयकर आयुक्त/आयकर निवेशक (छूट) को प्रत्येक वर्ष 31 अक्टूबर को अथवा उससे पहले प्रस्तुत करेगी।

क्र. सं.	अनुमोदित संघ का नाम	अवधि जिसके लिए अधिसूचना प्रभावी है
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1. नशा अनुसंधान केन्द्र,
17-III, सेंट मेन रोड, इंदिरा नगर,
अद्वयार, चेन्नै-600020
(फा. सं. 203/1/2001-आ.क.नि. II)
2. जवाहर लाल नेहरू सेंटर फार एड्वान्स्ड साइंटिफिक रिसर्च,
जक्कार, पी.ओ. बंगलौर
(फा. सं. 203/1/2001-आ.क.नि. II)
3. चाय अनुसंधान संघ,
113, पार्क स्ट्रीट, नयां तल,
कलकत्ता-700016
(फा. सं. 203/1/2001-आ.क.नि. II)
4. काउंसिल आफ पावर यूटिलिटीज,
नई दिल्ली, सी.बी.आई.पी. भवन,
मालवा मार्ग, नई दिल्ली-110021
(फा. सं. 203/1/2001-आ.क.नि. II)
5. बोस संस्थान,
93/1, एपीसी रोड, कलकत्ता-700009
(फा. सं. 203/1/2001-आ.क.नि. II)
6. इंडियन नेशनल साइंस अकादमी
बहादुरशाह जफर मार्ग,
नई दिल्ली-110002
(फा. सं. 203/11/2001-आ.क.नि. II)

टिप्पणी:—अधिसूचित संघ को सलाह दी जाती है कि वे अनुमोदन के आगे विस्तार के लिए अधिकार क्षेत्र वाले आयकर आयुक्त/आयकर निवेशक (छूट) के माध्यम से केन्द्र सरकार को समय से पहले आवेदन करें। अनुमोदन के विस्तार के लिए आवेदन पत्र की तीन प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को सीधे भेजी जाएंगी।

[अधिसूचना सं. 49/2001/फा. सं. 203/1/2001 और 203/11/2001-आ. क. नि. II]
कमलेश सी. वार्शेनी, अवर सचिव

New Delhi, the 1st March, 2001

(INCOME TAX)

S.O. 541.—It is hereby notified for general information that the organisations mentioned below have been approved by the Central Government for the period mentioned against their names, for the purpose of clause (ii) of sub-section (1) of section 35 of the Income tax Act, 1961, read with Rule 6 of the Income tax Rules, 1962 under the category "Association" subject to the following conditions :—

- (i) The notified Association shall maintain separate books of accounts for its research activities;
- (ii) The notified Association shall furnish the Annual Return of its scientific research activities to the Secretary Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;
- (iii) The notified Association shall submit on behalf of the Central Government, to (a) the Director General of Income tax (Exemptions), 10 Middleton Row, 5th Floor, Calcutta-700071, (b) the Secretary, Department of Scientific & Industrial Research and (c) the Commissioner of Income tax/Director of Income tax (Exemptions), having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income tax Act, 1961 in addition to the return of income tax to the designated assessing officer.

S. No.	Name of the organisation approved	Period for which Notification is effective
1.	Addiction Research Centre, 17-IV St. Main Road, Indira Nagar, Adyar, Chennai-600020 (F. No. 203/1/2001-ITA-II)	1-4-1999 to 31-3-2002
2.	Jawaharlal Nehru Centre for Advanced Scientific Research, Jakkar P.O., Bangalore-560064 (F. No. 203/1/2001-ITA-II)	1-4-2000 to 31-3-2003
3.	Tea Research Association, 113, Park Street, 9th Floor, Kolkata-700016. (F. No. 203/1/2001-ITA-II)	1-4-2000 to 31-3-2003
4.	Council of Power Utilities, New Delhi CBIP Building, Malcha Marg, New Delhi-110021 (F. No. 203/1/2001-ITA-II)	1-4-1999 to 31-3-2002
5.	Bose Institute, 93/1, A.P.C. Road, Calcutta-700003. (F. No. 203/1/2001-ITA-II)	1-4-2000 to 31-3-2003
6.	Indian National Science Academy, Bahadur Shah Zafar Marg, New Delhi-110002 (F. No. 203/1/2001-ITA-II)	1-4-2000 to 31-3-2003

Notes : The notified Associations are advised to apply in triplicates and well in advance for renewal of the approval, to the Central Government through the Commissioner of Income tax/Director of Income tax (Exemptions) having jurisdiction. Three copies

of application for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 49/2001/F. No. 203/1/2001 & 203/11/2001-ITA-II]

KAMLESH C. VARSHNEY, Under Secy.

नई दिल्ली, 1 मार्च, 2001

का. आ. 542.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार आयकर नियमावली, 1962 के नियम 23 के साथ पठित आयकर अधिनियम, 1961 की धारा 10 (23 छ) के प्रयोजनार्थ कर-निर्धारण वर्ष 2001-2002, 2002-2003 और 2003-2004 के लिए नीचे पैरा 3 में उल्लिखित उद्यमों को अनुमोदित करती है।

2. यह अनुमोदन इस शर्त के अधीन है कि :—

(1) उद्यम आयकर नियमावली, 1962 के नियम 23 के साथ पठित आयकर अधिनियम 1961 की धारा 10 (23 छ) के उपबन्धों के अनुरूप होगा और उसका अनुपालन करेगा,

(2) केन्द्र सरकार यह अनुमोदन वापिस ले लेगी यदि उद्यम :—

(क) अवसंरचनात्मक सुविधा को जारी रखना बंद कर देता है, और

(ख) खाताबहियों का रख-रखाव नहीं करता है तथा आयकर नियमावली, 1962 के नियम 23 के उप नियम (7) द्वारा यथा अपेक्षित किसी लेखाकार द्वारा ऐसे खातों की लेखा परीक्षा नहीं कराता है, अथवा

(ग) आयकर नियमावली, 1962 के नियम 23 के उपनियम (7) द्वारा यथा अपेक्षित लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करता है।

3. अनुमोदित उद्यम है :—मैमर्स सूरज एग्री प्रोडक्ट्स (प्रा.) लि. तथा पोर्ट ऑफ चेन्नई के बीच दिनांक 10-6-99 के करार के तहत मैमर्स सूरज एग्री प्रोडक्ट्स (प्रा.) लि., 76, सी. पी. रामास्वामी रोड, अलवर पेट, चेन्नई-600018, भारत द्वारा चेन्नई पत्तन पर बल्क लिक्विड स्टोरेज टर्मिनलों का विकास, रख-रखाव और प्रचालन (फा. सं. 205/73/2000-आ. क. नि. II)।

[अधिसूचना सं. 50/2001/फा. सं. 205/73/2000-आई. टी. ए.-II]

कमलेश सी. वाष्णय, अवर सचिव

New Delhi, the 1st March, 2001

S.O. 542.—It is notified for general information that enterprise, listed at para (3) below has been approved by the Central Government for the purpose of section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962, for the assessment years 2001-2002, 2002-2003 and 2003-2004.

2. The approval is subject to the condition that—

- (i) the enterprise will conform to and comply with the provisions of section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962;
- (ii) the Central Government shall withdraw this approval if the enterprise :—
 - (a) ceases to carry on infrastructure facility; or
 - (b) fails to maintain books of account and get such accounts audited by an accountant as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962; or
 - (c) fails to furnish the audit report as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962.

3. The enterprise approved is—developing, maintaining and operating bulk liquid storage terminals at Chennai Port by M/s. Suraj Agro Products (P) Ltd., 76, C. P. Ramasamy Road, Alwarpet, Chennai-600018, India, under the agreement dated 10-6-99 between M/s. Suraj Agro Products (P) Ltd. and the trustees of the Port of Chennai (F. No. 205/73/2000-ITA-II).

[Notification No. 50/2001/F. No. 205/73/2000-ITA-II]
KAMLESH C. VARSHNEY, Under Secy.

नई दिल्ली, 5 मार्च, 2001

का. आ. 543.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार आयकर नियमावली, 1962 के नियम 2ड के साथ पठित आयकर अधिनियम 1961 की धारा 10 (23-छ) के प्रयोजनार्थ कर-निर्धारण वर्ष 2001-2002, 2002-2003 तथा 2003-2004 के लिए नीचे पैरा 3 में उल्लिखित उद्यमों/औद्योगिक उपक्रमों को अनुमोदित करती है।

2. यह अनुमोदन इस शर्त के अधीन है कि :—

(i) उद्यम/औद्योगिक उपक्रम आयकर नियमावली, 1962 के नियम 2ड के साथ पठित आयकर अधिनियम 1961 की धारा 10 (23-छ) के उपबंधों के अनुरूप होगा और उनका अनुपालन करेगा ;

(ii) केन्द्र सरकार यह अनुमोदन वापिस ले लेगी यदि उद्यम :—

(क) अवसंरचनात्मक सुविधा को जारी रखना बंद कर देता है, और

(ख) खाता बहियों का रख-रखाव नहीं करता है तथा आयकर नियमावली 1962 के नियम 2ड के उप नियम (7) द्वारा यथा अपेक्षित किसी लेखाकार द्वारा ऐसे खातों की लेखा परीक्षा नहीं कराता है, अथवा

(ग) आयकर नियमावली, 1962 के नियम 2ड के उपनियम (7) द्वारा यथा अपेक्षित लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करता है।

3. अनुमोदित उद्यम/औद्योगिक उपक्रम हैं :—

(i) मैसर्स टेलिलिक नेटवर्क (इंडिया) लि. और संचार विभाग के (मूल सेवाओं) एप महानिदेशक के माध्यम

से कार्यरत भारत के राष्ट्रपति के बीच लाइसेंस करार सं. 17-16/95-बी. एम. ए. च. राजस्थान के दिनांक 4-3-98 के अंतर्गत मैसर्स श्याम टेलीलिंक लि. ए-60, नारायणा औद्योगिक क्षेत्र फेज-1, नई दिल्ली-110028 को राजस्थान में मूल टेलिफोन सेवा।

[फा. सं. 205/51/2000-आई. टी. ए.-II]

(ii) मैसर्स बी एम ई एस आन्ध्र पावर लि., कैम्पस कापरी अपार्टमेंट्स, 6-3-1090/ए, राजभवन रोड, सोमाजीगुडा हैदराबाद-500082 की वेटलापलम गांव, समालकोट मण्डोल, ईष्ट गोदावरी जिला, आन्ध्र प्रदेश स्थित 220 मेगावाट संयुक्त सार्किल पावर परियोजना।

[अधिसूचना सं. 56/2001/फा. सं. 205/51/2000
आ. का. नि. II] और 205/11/2001-आ. का. नि. II]
कमलेश सी. वाण्ये, अवर सचिव

New Delhi, the 5th March, 2001

S.O. 543.—It is notified for general information that enterprises/industrial undertakings, listed at para (3) below have been approved by the Central Government for the purpose of section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962, for the assessment years 2001-2002, 2002-2003 and 2003-2004.

2. The approval is subject to the condition that—

(i) the enterprise/industrial undertaking will conform to and comply with the provisions of section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962;

(ii) the Central Government shall withdraw this approval if the enterprise/industrial undertaking :—

(a) ceases to carry on infrastructure facility; or

(b) fails to maintain books of account and get such accounts audited by an accountant as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962; or

(c) fails to furnish the audit report as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962.

3. The enterprises/industrial undertaking approved are—

(i) Basic Telephone Service in Rajasthan of M/s. Shyam Telelinks Limited, A-60, Naraina Industrial Area Phase-I, New Delhi-110028 under the license agreement No. 17-16/95-BSII/Rajasthan dated 4-3-98 between President of India, acting through Deputy Director General (Basic Services), Department of Telecommunication and M/s. Telelink Network (India) Limited.
(F. No. 205/51/2000-ITA. II).

(ii) 220 MW Combined Cycle power project at Vellapalem Village, Samalkot Mandal, East Godavari District Andhra Pradesh of M/s. BSES Andhra Power Ltd., Campus Capri Apartments, 6-3-1090/A, Rajbhavan Road, Somajiguda, Hyderabad-500082.
(F. No. 205/11/2001-ITA. II).

[Notification No. 56/2001/F. No. 205/51/2000-ITA-II & 205/11/2001/ITA-II]

KAMLESH C. VARSHNEY, Under Secy.

आदेश

नई दिल्ली, 5 मार्च, 2001

का. आ. 544.—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उप-धारा (1)

अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उप-धारा के अधीन आदेश फाइल सं. 673/34/2000—सी. यू. एस. VIII, दिनांक 11-1-2001 को जारी किया और यह निर्देश दिया कि श्री अश्वनी भाटिया उर्फ बिट्टू सुपुत्र श्री दर्शन लाल भाटिया पता — 440, रारी मोहल्ला, लुधियाना (पंजाब), को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, भटिंडा, पंजाब में अभिरक्षा में रखा जाए जिससे कि उन्हें तस्करी का माल ले जाने अथवा छिपाने अथवा रखने के अलावा तस्करी माल अथवा तस्करी माल के व्यापार करने से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर वरिष्ठ पुलिस अधीक्षक, लुधियाना के सम्मुख उपस्थित हो।

[फा. सं. 673/34/2000—सी. यू. एस.-VIII]

एम. सी. गुलाटी, अवसर सचिव

ORDER

New Delhi, the 5th March, 2001

S.O. 544.—Whereas the Joint Secretary to the Government of India, specially empowered under Sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/34/2000-Cus. VIII, dated 11-1-2001 under the said Sub-section directing that Shri Ashwani Bhatia @ Bittoo S/o Shri Darshan Lal Bhatia, R/o 440, Rari Mohalla, Ludhiana (Punjab) be detained and kept in custody in the Central Prison, Bhatinda (Punjab), with a view to preventing him from smuggling of goods as well as dealing in smuggled goods otherwise than by engaging in transportation or concealing or keeping smuggled goods.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the powers conferred by Clause (b) of Sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Senior Superintendent of Police, Ludhiana (Punjab) within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/34/2000-Cus. VIII]

S. C. GULATI, Under Secy.

आदेश

नई दिल्ली, 5 मार्च, 2001

का. आ. 545.—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उप-धारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उप-धारा के अधीन आदेश फाइल सं. 673/37/2000—सी. यू. एस. VIII, दिनांक 18-1-2001, को जारी किया और यह निर्देश दिया कि श्री विनोद प्रभाकर पता — 173, गली नं. 3, न्यू दीप नगर, सिविल लाइन्स, लुधियाना (पंजाब), को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, भटिंडा (पंजाब) में अभिरक्षा में रखा जाए जिससे कि उन्हें तस्करी का माल लाने ले जाने अथवा छिपाने अथवा रखने के अलावा तस्करी माल अथवा तस्करी माल के व्यापार करने से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर वरिष्ठ पुलिस अधीक्षक, लुधियाना के सम्मुख उपस्थित हो।

[फा. सं. 673/37/2000—सी. यू. एस.-VIII]

एस. सी. गुलाटी, अवसर सचिव

ORDER

New Delhi, the 5th March, 2001

S.O. 545.—Whereas the Joint Secretary to the Government of India, specially empowered under Sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/37/2000-Cus. VIII, dated 18-1-2001 under the said Sub-section directing that Shri Vinod Prabhakar, R/o 173, Gali No. 3, New Deep Nagar, Civil Lines, Ludhiana (Punjab) be detained and kept in custody in the Central Prison, Bhatinda (Punjab), with a view to preventing him from smuggling of goods as well as

dealing in smuggled goods otherwise than by engaging in transporting or concealing smuggled goods.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the powers conferred by Clause (b) of Sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Senior Superintendent of Police, Ludhiana (Punjab) within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/37/2000-Cus. VIII]

S. C. GULATI, Under Secy.

आदेश

नई दिल्ली, 5 मार्च, 2001

का. आ. 546.—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उप-धारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उप-धारा के अधीन आदेश फाइल सं. 673/38 2000-सी. यू. एस. VIII दिनांक 18-1-2001 को जारी किया और यह निर्देश दिया कि श्री राजिन्द्र सिंह उर्फ सोनू सुपुत्र श्री सुखदेव सिंह पता - 144, गली नं. 2, न्यू दीप नगर, लुधियाना, को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, भाटिडा (पंजाब) में अभिरक्षा में रखा जाए जिससे कि उन्हें तस्करी का माल ले जाने अथवा छिपाने अथवा रखने के अलावा तस्करी माल अथवा तस्करी माल के व्यापार करने से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर बरिष्ठ पुलिस अधीक्षक, लुधियाना के सम्मुख उपस्थित हो।

[फा. सं. 673/38/2000-सी. यू. एस. VIII]
एस. सी. गुलाटी, अवसर सचिव

ORDER

New Delhi, the 5th March, 2001

S.O. 546.—Whereas the Joint Secretary to the Government of India, specially empowered under Sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/38/2000-Cus. VIII, dated 18-1-2001 687 GI/2001—2.

under the said Sub-section directing that Shri Rajinder Singh @ Sonu S/o Sukhdev Singh R/o 144, Gali No. 2, New Deep Nagar, Ludhiana (Punjab) be detained and kept in custody in the Central Prison, Bhatinda (Punjab), with a view to preventing him from smuggling of goods as well as dealing in smuggled goods otherwise than by engaging in transporting or concealing or keeping smuggled goods.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the powers conferred by Clause (b) of Sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Senior Superintendent of Police, Ludhiana (Punjab) within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/38/2000-Cus. VIII]

S. C. GULATI, Under Secy.

सीमा शुल्क आयुक्त का कार्यालय

पुणे, 8 दिसम्बर, 2000

सं. 8/2000

का.आ. 547.—सीमा शुल्क अधिनियम 1962 (1962 का 52) की धारा 57 के अधीन प्रवृत्त अधिकारों को कार्यान्वित करते हुए तत्कालीन केन्द्रीय उत्पाद शुल्क तथा सीमाशुल्क पुणे आयुक्तालय के आयुक्त द्वारा दिनांक 14-12-94 को जारी तथा समय-समय पर संशोधित की गयी अधिसूचना संख्या 10/94 सीमा शुल्क (नान टैरिफ) को एतद्वारा विखंडित किया जा रहा है। और परिणामतः किलोस्कर आईल इंजिन्स, खडकी, पुणे को दिया गया पब्लिक बांडेड वेअरहाऊस का लाइसेंस दिनांक 1.9.2000 से रद्द किया गया है।

[फा. सं.—VIII(सीमा शुल्क) 40-118/टी सी/94]

सी. के., कलोणी, आयुक्त

OFFICE OF THE COMMISSIONER OF
CUSTOMS

Pune, the 8th December, 2001

No. 8/2000

S.O. 547.—In exercise of the Powers conferred under Section 57 of the Customs Act, 1962 (52 of 1962). the Notification No. 10/94 (NT) (Cus) dated 14-12-94 (as amended from time to time) issued by the then Collector of Central Excise and Customs, Pune is hereby rescinded, and consequently, Public Bonded Warehouse Licence given to Kirlloskar Oil Engine Ltd. Khadki, Pune is hereby cancelled with effect from 1-9-2000.

[F. No. VIII (CUS) 40-118/TC/94]

C. K. KALONI, Commissioner

कार्यालय आयुक्त, केन्द्रीय उत्पाद शुल्क एवं सीमा शुल्क

इंदौर, 20 फरवरी, 2001

का.आ. 548—श्री एफ सी शर्मा, अधीक्षक केन्द्रीय उत्पाद शुल्क समूह 'ख', आयुक्तालय इन्दौर निवृत्तन प्राप्त करने पर दिनांक 31.01.2001 का अपरान्ह में शासकीय सेवा में निवृत्त हुए।

[फाइल नं. II(3) 9-गोप/93/385]

तरुण कुमार गोविंद

सयुक्त आयुक्त (कार्मिक एवं सतर्कता)

OFFICE OF THE COMMISSIONER, CENTRAL EXCISE & CUSTOMS

Indore, the 20th February, 2001

S.O. 548—Shri F. C. Sharma, Superintendent, Central Excise, Group 'B', Indore Commissionerate having attained the age of Superannuation retired from Government service on 31.01.2001 in the afternoon.

[F. No. II(3)9 Con/93/385]

TARUN KUMAR, GOVIL Dy. Commissioner (P&V)

विदेश मंत्रालय

(कन्सुलर अनुभाग)

नई दिल्ली, 28 फरवरी, 2001

का.आ. 549—राजनयिक कोसली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 (1948 का 41वा) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का दूतावास, मास्को में श्रीमति कुसुम बंसल, पी. ए. को 28-02-2001 से सहायक कोसली अधिकारी का कार्य करने के लिए प्राधिकृत करती है।

[स.टी. 4330/1/2000]

वाई. सी. नारंग, उप सचिव (कन्सुलर II)

MINISTRY OF EXTERNAL AFFAIRS

(Consular Section)

New Delhi, the 28th February, 2001

S.O. 549.—In pursuance of the Clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Mrs Kusuma Bansal P.A. in the Embassy of India, Moscow to perform the duties of Assistant Consular Officer with effect from 28-2-2001.

[No. T. 4330/1/2000]

Y. C. NARANG, Dy. Secy. (Cons-II)

वाणिज्य तथा उद्योग मंत्रालय

(वाणिज्य विभाग)

नई दिल्ली, 1 मार्च, 2001

का.आ. 550—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का

प्रयोग करने हुए, क्वालिटी सर्विसीज एंड सोल्यूशन प्रा. लि., प्लॉट नं. 334, 15वां वार्ड अमरावती होस्पेट 583201, (कर्नाटक) जिनका रजिस्ट्रीकृत कार्यालय "साई श्रद्धा" सीविंग स्टेशन रोड, विकरोली (ईस्ट) मुम्बई-400083 में है, को, वाणिज्य मंत्रालय की अधिसूचना सं. का.आ. 3975 तारीख 20 दिसम्बर, 1965 में सलग्न अनुसूची में विनिर्दिष्ट खनिजों तथा ग्रुप-1 समूह-I यथातः लौह ग्रुप-1 का होस्पेट में निर्यात से पूर्व निरीक्षण करने के लिए उस अधिसूचना के राजपत्र में प्रकाशन की तारीख से तीन वर्षों की अवधि के लिए निम्नलिखित शर्तों के अधीन रहने हुए अधिकरण के रूप में मान्यता प्रदान करती है, अर्थात्—

(i) क्वालिटी सर्विसीज एंड सोल्यूशन प्रा. लि. निर्यात निरीक्षण परिषद द्वारा इस संबंध में नामनिर्दिष्ट अधिकारियों या उनके द्वारा खनिजों और ग्रुप-1 समूह-I का निर्यात (निरीक्षण) नियम, 1965 के नियम 4 के अधीन निरीक्षण का प्रमाणपत्र देने के लिए अपनवाई गयी निरीक्षण पद्धति की जांच करने के लिए पर्याप्त सुविधाएं देगी।

(ii) क्वालिटी सर्विसीज एंड सोल्यूशन प्रा. लि. इस अधिसूचना के अधीन अपने कृत्या के पालन में इस निदेशों द्वारा आबद्ध होगी जो निदेशक (निरीक्षण और क्वालिटी नियंत्रण) द्वारा समय-समय पर लिखित में दिए जाएंगे।

[स. 5/1/2001-ई आई एंड ई पी]

पी. के. दास, निदेशक

MINISTRY OF COMMERCE AND INDUSTRY

(Department of Commerce)

New Delhi, the 1st March, 2001

S.O. 550—In exercise of the powers conferred by sub-section (1) of section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a period of three years from the date of publication of this notification, Quality Services and Solutions Pvt. Ltd., Plot No. 334, 15th Ward, Amravathi, Hospet-583201 (Karnataka) and having their registered Office at "Sai Shraddha" 'C' Wing, Station Road, Vikhroli (East) Mumbai-400083, India, as an agency for the inspection of Minerals and Ores—Group-I namely Iron Ore specified in Schedule annexed to Ministry of Commerce Notification No. S.O. 3975 dated the 20th December, 1965 prior to export at Hospet, subject to the following conditions, namely—

(i) that Quality Services and Solutions Pvt. Ltd., shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of Export of the Minerals and Ores Group-I (Inspection) Rules, 1965.

(ii) that Quality Services and Solutions Pvt. Ltd., in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.

[File No. 5/1/2001-EI & EP]

P. K. DAS, Director

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

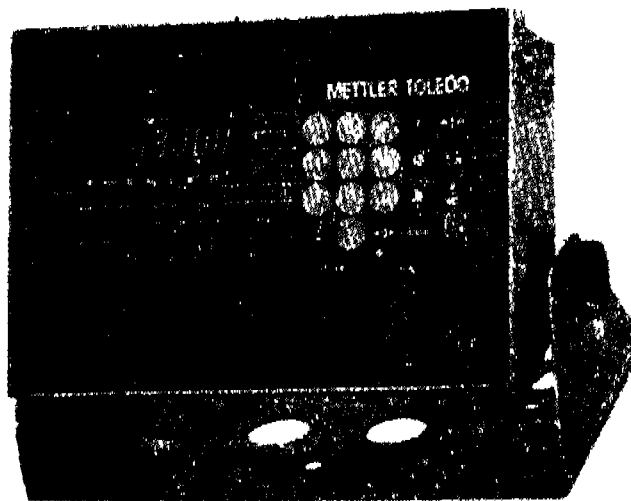
(उपभोक्ता मामले विभाग)

नई दिल्ली, 7 मार्च, 2001

का. आ. 551—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम, की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स मिस्तर तोलेदेव इंडिया प्राइवेट लिमिटेड, अमर हिल्स, एस बी रोड, पोवाई, मुम्बई-400072 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "टी एम एस" श्रृंखला के अंकीय सूचन सहित, स्वतःसूचक अस्वचालित तोलन उपकरण (बहुभार सेट प्रकार की तुला चौकी) के मॉडल का जिसके ब्रांड का नाम "ट्रक मास्टर स्टैंडर्ड टी एम एस" है (जिसे इसमें इसके पश्चात् "मॉडल" कहा गया है) और जिसे अनुमोदन विह आइ एन डी/09/2000/197 दिया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

यह मॉडल (आकृति देखें) जिसकी अधिकतम क्षमता 20,000 किलोग्राम और न्यूनतम क्षमता 100 किलोग्राम है, का तोलन उपकरण है। सत्यापन मापमान (ई) का मान 5 किलोग्राम हैं। इसमें एक आधेतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेतुलन प्रभाव है। भार्याही आयताकार है, जिसकी भुजाएं 7.5 x 3 मीटर हैं। निर्वात प्रतिदीप्ति पदार्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्टज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है;



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी श्रृंखला के उमी मेक, उमी यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे, जिनकी अधिकतम क्षमता 5 टन से अधिक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी मिश्रित, डिजाइन और उमी सामग्री से किया जाता है जिसमें अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान के अन्तराल (एन) की संख्या 5 ग्राम या अधिक के लिए "ई" मान 500 से 10000 की रेंज में से और मान 1, 2, और 5 श्रृंखला तथा सहित "ई" मान $1 \cdot 10^6$, $2 \cdot 10^6$ और $5 \cdot 10^6$ है जिसमें के घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू० एम०-21(141)/99]

पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

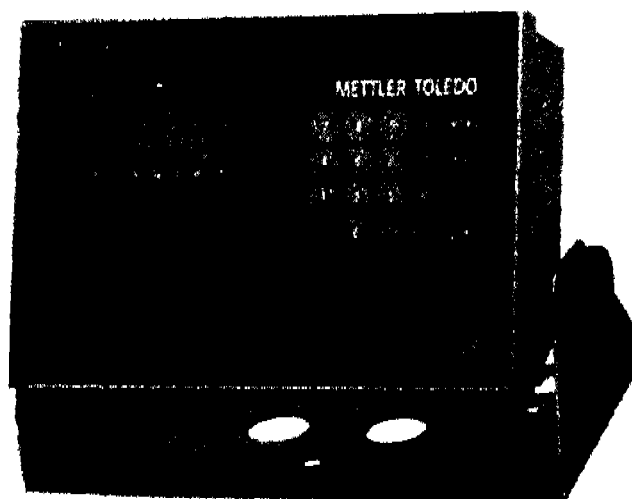
MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION**(Department of Consumer Affairs)**

New Delhi, the 7th March, 2001

S.O. 551.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions,

Now, therefore, in exercise of the powers conferred by sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of self-indicating non-automatic. (Multi load cell type weigh bridge) weighing instrument with digital indication of "TMS" series of medium accuracy (Accuracy class III) and with brand name "Truck Master Standard (TMS)" (here in after referred to as the model) manufactured by M/s Mettler-Toledo India Private Limited, Amar Hills, S V Road, Powai, Mumbai-400 072 and which is assigned the approval mark IND/09/2000/197,

The said model (see figure) is a weighing instrument with a maximum capacity of 20,000kg and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 percent subtractive retained tare effect. The load receptor is of rectangular section of side 7.5×3 meter. The vacuum fluorescent display indicates the weighing result. The instrument operates on 230 volts and 50-Hertz alternate current power supply.



And Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument similar make, accuracy and performance of same accuracy class and of same series with having maximum capacity more than 5 tonne and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value 1×10^k , 2×10^k , 5×10^k , being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials which, the approved model has been manufactured

[F No WM -21(141)/99]

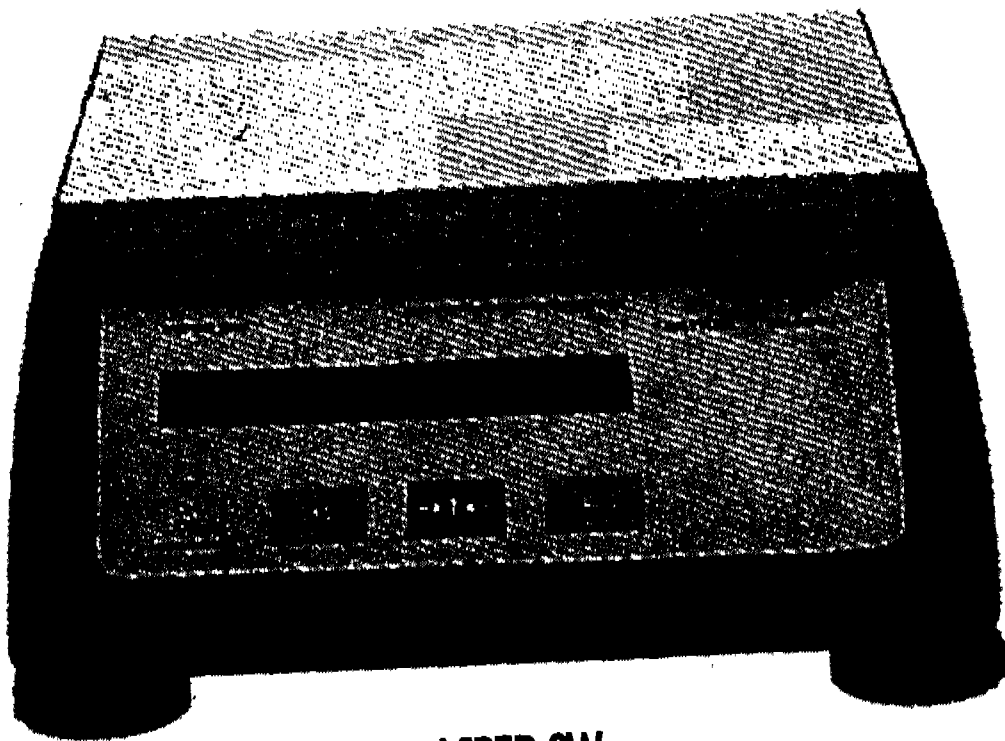
P A KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2001

का. आ. 552.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम, की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैमर्स मिस्सलर तोलेदेव इंडिया प्राइवेट लिमिटेड, अमर हिल्स, एस बी रोड, पोवई, मुम्बई-400072 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले "विपर एस डब्ल्यू" श्रृंखला के अंकीय सूचन सहित, स्वतःसूचक अस्वचालित तोलन उपकरण (मेजतल प्रकार) के मॉडल का जिसके ब्रांड का नाम "विपर" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2000/196 दिया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

यह मॉडल (आकृति देखें) उच्च यथार्थता वर्ग (यथार्थता वर्ग II) का तोलन उपकरण है और जिसकी अधिकतम क्षमता 3 किलोग्राम और न्यूनतम क्षमता 5 ग्राम है, सत्यापन मापमान (ई) का मान 0.1 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। भारग्राही आयताकार है, जिसकी भुजाएं 200×240 मिलीमी. हैं। द्रव क्रिस्टल डायोड प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्टज प्रत्यावर्तों द्वारा विद्युत प्रदाय पर कार्य करता है;

**VIPER SW**

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी श्रृंखला के उसी मेक, उसी यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे, जिनकी अधिकतम क्षमता 5 किलोग्राम तक है और जिनका विनिर्माण उमी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उमी सामग्रियों से किया जाता है - जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या सहित 1 मिलीग्राम से 50 मिलीग्राम के लिए "ई" मान 100 से 100000 की रेंज में है और 100 मिलीग्राम या अधिक के लिए "ई" मान 5000 से 1,00,000 की रेंज में है तथा सहित "ई" मान $1 \times 10^*$, $2 \times 10^*$ और $5 \times 10^*$ है जिसमें के घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू० एम०-21(141)/99]

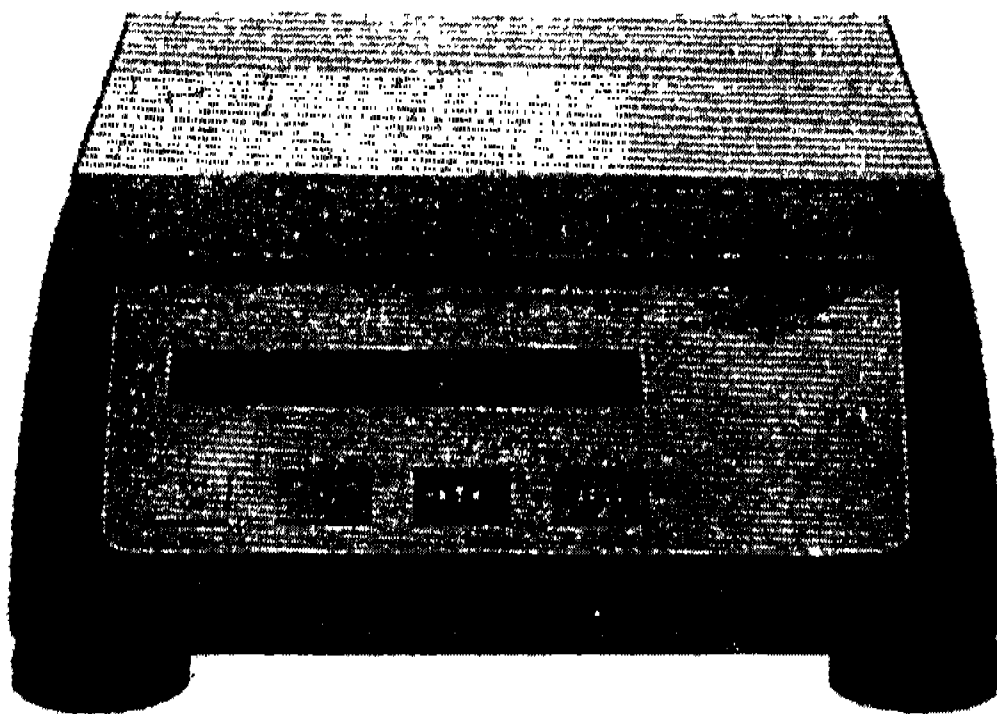
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2001

S.O. 552.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of self-indicating non-automatic, (table top type) weighing instrument with digital indication of "Viper SW" series of High accuracy (Accuracy class II) and with brand name "Viper" (hereinafter referred to as the model) manufactured by M/s. Mettler-Toledo India Private Limited, Amar Hills, S.V. Road, Powai, Mumbai-400 072 and which is assigned the approval mark IND/09/2000/196;

The said model (see figure) is a High accuracy (accuracy class II) weighing instrument with a maximum capacity of 3kg and minimum capacity of 5g. The verification scale interval (e) is 0.1g. It has a tare device with a 100 percent subtractive retained tare effect. The load receptor is of rectangular section of side 200×240 millimeter. The liquid crystal diode display indicates the weighing result. The instrument operates on 230 volts and 50-Hertz alternate current power supply;



VIPER SW

And Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with having maximum capacity upto 50kg and with number of verification scale interval (n) in the range 100 to 100,000 for 'e' value of 1mg to 50 mg and with number of verification scale interval (n) in the range of 5000 to 100000 for 'e' value of 100mg or more and with 'e' value 1×10k, 2×10k, 5×10k, k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the approved model have been manufactured

[F No. W.M.-21(141)/99]

P A KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2001

का. आ. 553.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट के साथ राष्ट्रीय बाट और माप प्रयोगशाला, व्यापार और उद्योग विभाग, मिडिल सेक्स, इंग्लैण्ड द्वारा मॉडल अनुमोदन और स्वीकृत परीक्षण परिणाम पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (आकृति नीचे दी गई है) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त मॉडल अपनी यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम, की धारा 36 की उपधारा (3) और उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स प्रेस्टो पैक सिस्टम्स प्राइवेट लिमिटेड, डी-15, फेज-II-ए, आई डी ए जी 5 मेटला, हैदराबाद-500055 द्वारा विनिर्मित "ए एफ एफ एस-पी पी-1000-एस एच" श्रृंखला के भरण मशीन (पिस्टन भरक) के मॉडल का और जिसे अनुमोदन चिह्न आई एन डी/07/2000/265 दिया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है ;



यह मॉडल स्वचालित तरल पदार्थ भरण मशीन (पिस्टन भरक) है। ए एफ एफ एस-पी पी-1000-एस एच श्रृंखला के इस मॉडल के अंतर्गत 2 मि.ली. से 1000 मि.ली. की रेंज है। यह 440 और 50 हट्टूज प्रत्यावर्ती द्वारा विद्युत प्रदाय पर कार्य करता है। यह चिपचिपे तरल अर्थात् वनस्पति, घी, मक्खन और पेंट भरने के लिए प्रयोग किया जाता है। इससे प्रति मिनट 15 पाउंड भरे जा सकते हैं।

[फा० सं० डब्ल्यू० एम०-21(48)/2000]

पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2001

S.O. 553.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, along with the Model approval and test results granted and approved by the National Weights and Measures Laboratory, Department of Trade and Industry, Middle sex. England is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions,

Now, therefore, in exercise of the powers conferred by third proviso to sub-section (3) and sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model in respect of automatic filling machine (piston filler) of AFFS-PP-1000-SH series manufactured by M/s. Presto Pack Systems Pvt. Ltd, D15, Phase IV, I.D A. Jeedmetla, Hyderabad-500055 and which is assigned the approval of model mark IND/07/2000/265;



The Model is a automatic Liquid filling machine (Piston filler) ranges to be covered under this Model 2ml to 1000 ml of AFFS-PP-1000-SH series. It operates on 440 volts and frequency 50 herts, alternate current power supply It is used for filling viscous liquids like, vanaspathi ghee, butter and paints The range of filling is 15 pouches per minute

[F. No W M -21(48)/2000]

P A KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 9 मार्च, 2001

का. आ. 554.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम, की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, "वी ए एफ-5" श्रृंखला की, स्वचालित, तोलन मशीन (ऑगर फिलर) के मॉडल का, जिसके ब्रांड का नाम "ट्राइएन्जल" है जिसे इसमें इसके पश्चात् "मॉडल" कहा गया है) और जिसका विनिर्माण मैसर्स ट्राइएन्जल आटोमेशन, 44/5 नव-सहयादी सोक, पुणे-411052 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई एन डी/09/00/39 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है ;

यह मॉडल एक स्वचालित तोलन मशीन (ऑगर फिलर) है। विभाजित किए गए उत्पाद की मात्रा परिक्रमाओं की संख्या और स्क्रू पिच पर निर्भर करती है। इसकी अधिकतम क्षमता 500 ग्रा. है। मशीन को मुक्त प्रवाह वाले वर्णित उत्पाद जैसे गेहूँ का आटा, चूर्ण काफी, चूर्ण मसाले, रसायन, सूजी इत्यादि की भराई के लिए डिजाइन किया गया है। भराई की दर 30 थैलियां प्रति मिनट है ;



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उम्मी श्रृंखला के उम्मी मेक, यथार्थता और कार्यकरण वाले ऐसे तोलन उपकरण भी होंगे, जिनका विनिर्माण उम्मी विनिर्माता द्वारा उम्मी मिड्रांत, डिजाइन और उम्मी मामग्री से किया जाता है जिसमें अनुमोदित मॉडल का विनिर्माण किया गया है, और जिसकी अधिकतम क्षमता 1000 ग्रा. है।

[फा० सं० डब्ल्यू० एम०-21(50)/99]

पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th March, 2001

S.O. 554.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model, described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions,

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the central Government hereby publishes the certificate of approval of model of automatic weighing machine (Auger filler) (herein after referred to as the model) of "VAF-5" series with brand name "TRIANGLE", manufactured by M/s Triangle Automation, 44/5, Nav-Sahyadri Soc, Pune-411 052 and which is assigned the approval mark IND/09/00/39.

The model is an automatic weighing machine (auger filler). The quantity of product dispensed depends on the number of revolutions and the screw pitch. The maximum capacity is 500g. The machine is designed to fill free flowing powered products like wheat flour, ground-coffee, ground species, chemicals, suzi, etc. The rate of filling is 30 pouches per minute.



And further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the instruments of same make and design with maximum capacity upto 1000g manufacturer by the same manufacturer with the same design and with the same materials which, the approved Model has been manufactured.

[F No W.M -21(50)/99]

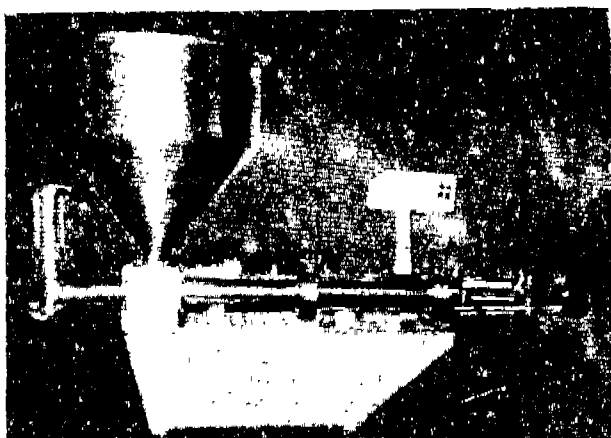
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 9 मार्च, 2001

का. आ. 555.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, "बी पी एफ-5" शृंखला की, स्वचालित, तोलन मशीन (पिस्टन फिलर) के गाडल का, जिसके ब्रांड का नाम "ट्राइएनल" है (जिसे इसमें इसके पश्चात् "माडल" कहा गया है) और जिसका विनिर्माण मैसर्स ट्राइएनल आटोमेशन, 44/5, नव-सह्याद्री सोक, पुणे-411052 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई एन डी/09/00/40 समुनदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती हैं।

यह माडल एक स्वचालित तोलन मशीन (पिस्टन फिलर) है। विभाजित किए गए उत्पाद की मात्रा सिलेण्डर के अनुप्रस्थ काट और विस्थापन की लम्बाई के समानुपातिक है। इसकी अधिकतम क्षमता 500 ग्रा. है। मशीन को खाद्य तेल, स्नेहक तेल, मसाले पेस्ट, टमाटर केच अप इत्यादि की भराई के लिए डिजाइन किया गया है। भराई की दर 30 से 50 बैलियां प्रति मिनट हैं।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यकरण वाले ऐसे तोलन उपकरण भी होंगे, जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है, और जिसकी अधिकतम क्षमता 1000 ग्रा. है।

[फा० सं० डब्ल्यू० एम०-21(50)/99]

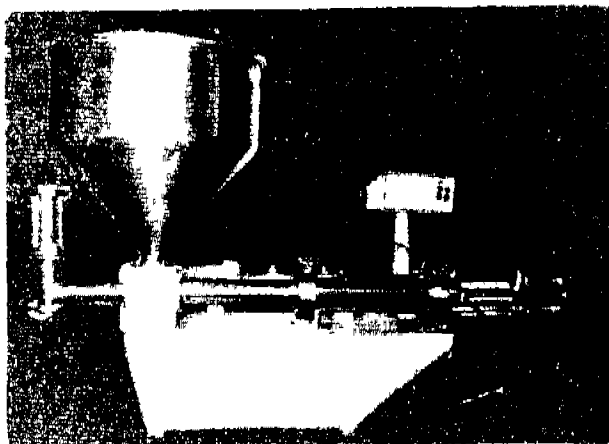
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th March, 2001

S.O. 555.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model, described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions,

Now, therefore, in exercise of the powers conferred by sub-section (7) of Section 36 of the said Act the Central Government hereby publishes the certificate of approval of model of automatic weighing machine (Piston filler) (hereinafter referred to as the model) of “VPF-5” series with brand name “TRIANGLE”, manufactured by M/s Triangle Automation, 44/5, Nav-Sahyadri Soc, Pune-411 052 and which is assigned the approval mark IND/09/00/40,

The model is an automatic weighing machine (Piston filler) The quantity of product dispensed is proportional to cross section of the cylinder and length of displacement The maximum capacity is 500 g The machine is designed to fill free products like edible oil, lubricating-oil, spices pastes, tomato ketchup, etc The rate of filling is 30 to 50 fills per minute



And further, in exercise of the power conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the instruments of same make and design with maximum capacity upto 1000 g manufactured by the same manufacturer with the same design and with the same materials which the approved Model has been manufactured

[F No WM -21(50)/99]

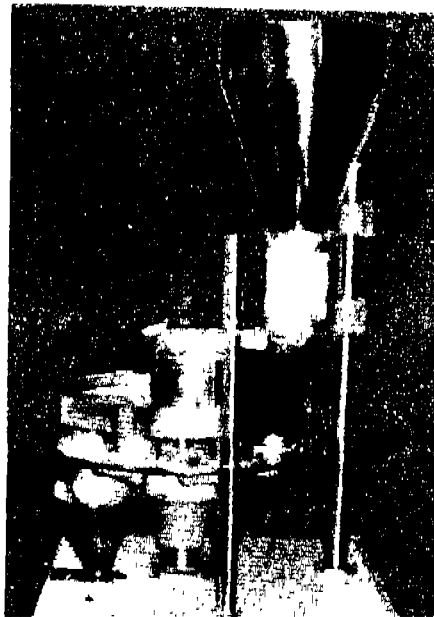
P A KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 9 मार्च, 2001

का. आ. 556.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम, की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, "बी सी एफ" शृंखला की, स्वचालित, तोलन मशीन (कप फिलर) के माडल का, जिसके ब्रांड का नाम "ट्राइएन्गल" है (जिसे इसमें इसके पश्चात् "माडल" कहा गया है) और जिसका विनिर्माण मैसर्स ट्राइएन्गल आटोमेशन, 44/5, नव-सहयाद्री सोक, पुणे-411052 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई एन डी/09/00/41 समुनदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह माडल एक स्वचालित तोलन मशीन (कप फिलर) है। विभाजित किए गए उत्पाद की मात्रा भरण कप के आयतन पर निर्भर करती है। इसकी अधिकतम क्षमता 1000 ग्रा. है। मशीन को खाद्य तेल, स्नेहक तेल, मसाले पेस्ट, टमाटर केच अप इत्यादि की भराई के लिए डिजाइन किया गया है। भराई की दर 30 भरण प्रति मिनट है;



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यकरण वाले ऐसे तोलन उपकरण भी होंगे, जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है, और जिसकी अधिकतम क्षमता 1000 ग्रा. है।

[फा० सं० डब्ल्यू० एम०-21(50)/99]

पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th March, 2001

S.O. 556.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model, described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of model of automatic weighing machine (cup filler) (hereinafter referred to as the model) of "VCF-5" series with brand name "TRIANGLE", manufactured by M/s. Triangle Automation, 44/5, Nav-Sahyadri Soc. Pune-411 052 and which is assigned the approval mark IND/09/00/41.

The model is an automatic weighing machine (cup filler). The quantity of product dispensed depends on the volume of the filling cup. The maximum capacity is 1000 g. The machine is designed to fill free products like edible oil, lubricating-oil, spices pastes, tomato ketchup, etc. The rate of filling is 30 fills per minute;



And further, in exercise of the power conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the instruments of same make and design with maximum capacity upto 1000 g manufactured by the same manufacturer with the same design and with the same materials which, the approved Model has been manufactured.

[F No. W M -21(50)/99]

P A. KRISHNAMOORTHY, Director, Legal Metrology

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

शुद्धि-पत्र

नई दिल्ली, 12 मार्च, 2001

का. आ. 557.— केंद्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन 1962 (1962 का 50) की धारा 6 की उप धारा (i) के अधीन जारी भारत के राजपत्र के भाग - 2, खण्ड 3, उपखण्ड (ii) के अन्तर्गत प्रकाशित, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 317 तारीख 9 फरवरी, 2001 की इस अधिसूचना के हिन्दी पाठ में केन्द्र सरकार निम्नलिखित संशोधन करती है।

का. आ. 317 स्तम्भ सं 1 गांव का नाम "सं० 80/1 मण्डैयूर" के स्थान पर संख्या 676 पर "सं० 42 मण्डैयूर" धरा जाए।

[सं. आर.-31015/36/2000-ओ आर-I]

एस. चन्द्रशेखर, अवर सचिव

नई दिल्ली, 15 मार्च, 2001

का. आ. 558— केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का० आ० 2721, तारीख 17 सितम्बर, 1999 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, केरल राज्य में भारत पेट्रोलियम कारपोरेशन लिमिटेड, इरिमपानम् कोची के इरिमपानम् संस्थापन से तमिलनाडु राज्य में करूर तक मोटर स्पिट, उच्च कोटि किरोसीन तेल और उच्च वेग डीजल के परिवहन के लिए मैसर्स पेट्रोनेट सी.सी.के. लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रति तारीख 4 अक्टूबर, 1999 को जनता को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है ;

यह और कि केन्द्रीय सरकार, उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार, केन्द्रीय सरकार में निहित होने की बजाए इस घोषणा के प्रकाशन की तारीख से सभी विल्लंगों से मुक्त होकर, पेट्रोनेट सी.सी.के. लिमिटेड में निहित होगा।

अनुसूची

राज्य - केरल

जिला - त्रिशूर

तालुका - त्रिशूर

गाँव	सर्वेक्षण संख्या	पुनः सर्वेक्षण संख्या (अंतिम रूप में)	क्षेत्र हैक्टर	क्षेत्र आर	वर्गमीटर
(1)	(2)	(3)	(4)	(5)	(6)
1) पीच्ची	2153/1	2/1	0	05	20
(खण्ड सं० - 84)	2153/2	2/2	0	13	90
	2154	2/3	0	14	38
	2154,	3/1	0	23	20
	1738/2,5				
	1738/5,	7/2	0	21	30
	1737/part				
	1737/part	7/6	0	07	28

[स आर 31015 13 98 ओ आर 11]

हर्गेश कुमार अवर सचिव

Ministry of Petroleum and Natural Gas

New Delhi the 15th March 2001

S. O. 558.— Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S O 2721 dated the 17th September 1999 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, (50 of 1962), (hereinafter referred to as said Act), the Central Government declared its intention to acquire the right of user in the lands, specified in the Schedule appended to that notification for the purpose of laying pipelines for the transport of motor spirit, superior kerosene oil and high speed diesel from the Irimpanam installation of Bharat Petroleum Corporation Limited, Irimpanam, Kochi in the State of Kerala to Karur in the State of Tamil Nadu by M/s Petronet CCK Limited,

And, whereas, the copy of said Gazette notification was made available to the public on 4th October 1999

And, whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Central Government,

And further whereas, the Central Government has, after considering the said report, decided to acquire the Right of User in the lands specified in the Schedule appended to this notification,

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the Right of User in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines;

And, further, in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government, vest on this date of the publication of this declaration, in the Petronet CCK Limited, free from all encumbrances.

Schedule

State : Kerala

District : Thrissur

Taluk : Thrissur

(1)	Survey Numbers	Re-survey Numbers (not final)	Area		
			Hectares	Ares	Sq. Mtrs.
(1)	(2)	(3)	(4)	(5)	(6)
1) Peechi (Block No.84)	2153/1	2/1	0	05	20
	2153/2	2/2	0	13	90
	2154	2/3	0	14	38
	2154,	3/1	0	23	20
	1738/2,5				
	1738/5,	7/2	0	21	30
	1737/part				
	1737/part	7/6	0	07	28

[No.-31015/13/98 OR-II]
HARISH KUMAR, Under Secy.

नई दिल्ली, 16 मार्च, 2001

का. आ. 559— केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) के भाग 2 के खण्ड (क) के अनुसरण में, श्री के. आनंद मूल्या, कर्नाटक प्रशासनिक सेवा, कनिष्ठ वेतनमान अधिकारी, कर्नाटक सरकार को उक्त अधिनियम की धारा 7, 8, 10, 11, 13, 14 और 15 के अधीन पेट्रोनेट एम०एच०बी० लिमिटेड की मंगलौर-बंगलौर पाइपलाइन परियोजना के संबंध में सक्षम प्राधिकारी के कृत्यों के निर्वहन के लिए प्राधिकृत करती है, जो पेट्रोलियम और प्राकृतिक गैस मंत्रालय, भारत सरकार के तारीख 19 जुलाई, 2000 के का०आ० संख्या 1627 की अधिसूचना के अधीन विनिर्दिष्ट कृत्यों के अतिरिक्त कर्नाटक राज्य में दक्षिण कन्नड़, चिकमंगलूर और हसन (चन्नारायापटना तालुक के सिवाय) जिलों की राज्य क्षेत्रीय अधिकारिता के भीतर है।

[सं आर. -31015/34/97-ओ आर-II]

हरिश कुमार, अवर सचिव

New Delhi, the 16th March, 2001

S. O. 559.— In pursuance of clause (a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User of Land) Act, 1962 (50 of 1962), the Central Government hereby authorises Shri K. Anand Moolya, Karnataka Administrative Service, Junior Scale Officer, Government of Karnataka to perform the functions of the Competent Authority, in respect of Mangalore-Bangalore Pipeline Project of Petronet MHB Limited under sections 7,8,10,11,13,14 and 15 of the said Act within the territorial jurisdiction of Districts of Dakshin Kannada, Chickmagalur and Hassan (except Channarayapatna Taluk) in the State of Karnataka in addition to the functions specified under the notification, of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 1627 dated the 19th July, 2000.

[No -31015/34/97 OR-II]

HARISH KUMAR, Under Secy

श्रम मंत्रालय

नई दिल्ली, 16 फरवरी, 2001

का. आ. 560.—प्रारंभिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टिस्को लि. के प्रबंधन के संबंध निर्यातकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट आर्थिक विवाद में केन्द्रीय सरकार आर्थिक अधिकरण भुवनेश्वर के पंचाट की प्रकाशित करती है, जो केन्द्रीय सरकार को 16/2/2001 को प्राप्त हुआ था।

[सं. एन-29012/102/94 आई. आर. (निवेद्य)]
वी. एम. देविड, अवर सचिव

MINISTRY OF LABOUR

New Delhi, the 16th February, 2001

S.O. 560.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management TISCO Ltd. and their workman, which was received by the Central Government on 16-2-2001.

[No. L-29012/102/94-IR (Misc.)]

B. M. DAVID, Under Secy

ANNEXURE

IN THE COURT OF PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, ROURKELA

Industrial Dispute Case No. 67/97(C)

Dated, the 13th December, 2000

PRESENT :

Sri Alak Kumar Dutta,
Presiding Officer,
Industrial Tribunal,
Rourkela.

BETWEEN

The General Manager, (OMQ)
Mines Division, TISCO Ltd.,
PO : Noamundi, Singhbhum (Bihar) ... Ist party

AND

Sri S. K. Samal, Pharmacist,
C/o. Sri Sirish Mohanty,
At : Banspani, Keonjhar ... IInd party

APPEARANCES :

For the Ist party—Sri K. C. Rath, Advocate.

For the IInd party—Sri N. C. Mohanty, Advocate

ORDER

The matter arises out of a reference made by Govt. of India under Sections 10 and 12 of I.D. Act vide No. L-29012/102/94-IR(M) dated 2-3-95 :

"Whether the action of the management of Mines Division, Tata, Iron and Steel Co. Ltd., PO : Noamundi, District Singhbhum in dismissing Sri S. K. Samal, Pharmacist w.e.f. 1-3-94 is justified? If not, to what relief the workman is entitled?"

2. The 2nd party was working as Pharmacist in the management dispensary at Bamebari. It is alleged that on 28-4-93

though he did not attend to his duty in the dispensary subsequently gave false attendance for that date. Over this allegation charge was framed against him. Domestic enquiry was conducted and he being found guilty was dismissed from service. His contention is that he was very much present in duty on that day in the dispensary. The domestic enquiry was not conducted in a fair manner. The charge was vague. Though there was preliminary enquiry conducted against him, no opportunity was given to challenge the same in the domestic enquiry.

3. In reply, the 1st party management contends that on 28-4-93 the 2nd party workman did not report to duty at the dispensary. But at about 8.30 A.M. on that day he and some other workers and outsiders committed transgression in the office of the Executive Officer, N.A.C. Joda, assaulted the officer and committed other criminal acts. For this a criminal case was initiated against him in the court of Judicial Magistrate. About his such absence from duty and subsequently giving false attendance a preliminary enquiry was conducted, and allegations were found to be true. Charge was framed against him and he denied the charge, by giving explanation. Thereafter domestic enquiry was conducted against him. He engaged one co-worker Sri P. Mohanty to assist him in that enquiry. The enquiry was conducted in a fair and proper manner. All the management witnesses were examined and cross examined by the 2nd party. Thereafter sufficient opportunity was given to him to adduce defence evidence which he did not avail. Lastly the E.O. gave his finding holding him guilty. The disciplinary authority ultimately dismissed him from service.

4. In his rejoinder, the 2nd party contends that preliminary enquiry was not conducted properly and the domestic enquiry is perfunctory in nature.

5. Four issues have been settled for consideration and issue No. IV reads as follows :

"Whether the domestic enquiry is fair and proper."
I will now decide this above issue preliminarily.

6. Ext. 1 is the charge framed against the 2nd party. It is mentioned there that on 28-4-93 he was supposed to be on duty from 8 A.M. to 12 A.M. and from 4 P.M. to 6 P.M. But he did not report for duty at 8 A.M. nor sent any information regarding his absence. It is further alleged that though he was not in duty on that day, he falsely managed to obtain his attendance for that day by signing the attendance register. The learned representative of the 2nd party objects that though in the chargesheet it is mentioned "It was reported that although you were not on your duty attendance register" it is not mentioned who reported to whom in this regard. So the charge is vague. But I do not agree with him on this point. The allegation against him has been clearly mentioned, so there is no vagueness in it. There is no necessity of stating about the evidence in support of the allegation in the chargesheet.

6. The 2nd party received the chargesheet, and submitted his explanation vide Ext. 2 denying the charge. Finding the explanation unsatisfactory, enquiry committee was constituted and M.W. 1 Prasanna Kumar Sahu was appointed as E.O. to conduct the domestic enquiry vide Ext. 3 and Mr. B.B.K. Sahu, Dy. Manager Mines was the Presenting Officer. This fact was intimated to the 2nd party. Enquiry notice was sent to both parties, on the date of hearing the 2nd party appeared. He filed a petition to allow him to engage co-worker Sri P. Mohanty to assist him in the domestic enquiry (Annexure-2) and the same was allowed. Both parties attending the enquiry on 27-8-93 filed list of witnesses, which was served on the other side. Thereafter enquiry was held on different dates and all management witnesses including the Doctor Mr. Bhata Mishra and the Dresser Sri Kabira Karna were examined and cross examined by the 2nd party. On all those dates the co-worker of the 2nd party namely Sri P. Mohanty was present and assisted the 2nd party. Thereafter the case was posted to 21-12-93, 22-12-93 and 10-1-94 for evidence. But on all those dates the 2nd party was absent. Enquiry proceedings, Ext. 6 reveals that wireless message was sent to the 2nd party to attend the enquiry on 22-12-93. Notice was also sent in his home address which was returned as "refused". The learned representative of the 2nd party argues that no notice or wireless message was issued to him and without giving him any opportunity to adduce defence evidence the enquiry was closed by which he has been highly

prejudiced. But I do not agree with him on this point also. Although the 2nd party was not present on those dates yet his co-worker Sri P. Mohanty was very much present and participated in the enquiry. He did not file any petition to adjourn the case for non appearance of the 2nd party or for adducing evidence. The learned representative of the 2nd party argues that this P. Mohanty had been gained over by the management. But no such plea has been taken in the claim statement nor any evidence led in this regard. Mr. Mohanty assisted the 2nd party in cross examining all the management witnesses. So such submission has got no foundation. The absence of the 2nd party during the last stage of enquiry cannot put question mark on the fairness of the enquiry since his co-worker P. Mohanty participated in the enquiry on all the dates.

7. The learned representative of the 2nd party argues that before framing of chargesheet a preliminary enquiry was conducted and enquiry report had not been supplied to him and this vitiates the enquiry. But as I find Sri Sukhdev Das, Manager (Personnel) who conducted the preliminary enquiry as per the order of the management has been examined in the domestic enquiry who has deposed about his conducting enquiry and he has been extensively cross examined by the 2nd party regarding this preliminary enquiry. So it cannot be said that 2nd party has been prejudiced for non supply of preliminary enquiry report. The learned representative of the 2nd party submits that the Manager, Mines who issued the chargesheet was not competent to frame the same. But no such plea has been taken in the statement of claim.

8. From the above discussion I am satisfied that the domestic enquiry has been conducted in a fair and proper manner.

Dictated and corrected by me.

A. K. DUTTA Presiding Officer

नई दिल्ली, 22 फरवरी, 2001

का. आ. 561—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचना में, केन्द्रीय सरकार विजय ग्रेनाइट्स प्रा. लि. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-2-2001 को प्राप्त हुआ था।

[सं. एल-29011/56/99 आई. आर. (वि.)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 22nd February, 2001

S.O. 561.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industrial dispute between the employers in relation to the Vijay Granites Pvt. Ltd and their workmen which was received by the Central Government on the 22-2-2001.

[No. L-29011/56/99/IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 30th January, 2001

PRESENT :

K. Karthikeyan, Presiding Officer.

INDUSTRIAL DISPUTE No. 24/2001

(In the matter of the dispute for adjudication under Section 10(1)(d) and sub-section 2(A) of the Industrial Disputes Act, 1947 between the Claimant and the Management of Vijay Granites Pvt. Ltd., Tiruppur).

BETWEEN

The Secretary,
Thennarkadu Mavatta Kal
Thozhilalar Sangam, Mailam.

Claimant/I Party

AND

Vijay Granites Pvt. Ltd. Tiruppur, Management/II Party

APPEARANCE :

For the Claimant : Mr. Hariparanthaman, Advocate.

For the Management : Sri K. Anbarasan, Advocate.

REFERENCE :

Order No. L-29011/56/99/IR(M) dated 2-2-2000 Government of India, Ministry of Labour, New Delhi.

This dispute originally referred to Tamil Nadu State Industrial Tribunal, Chennai for adjudication and was taken on file as I.D. No. 24 of 2000, and subsequently transferred to this Tribunal by the order of the Central Government, Ministry of Labour by its order No. G. 21020/1/99 CLS II dated 28-11-2000 and taken on file as I.D. No. 24/2001 on 9-1-2001 on receipt of records from the Tamil Nadu State Industrial Tribunal.

AWARD

The Schedule of reference reads as follows :

"Whether the management of Vijay Granites Pvt. Ltd., Kunnam is justified in retrenching 19 workers as per list enclosed? If not, to what relief the 19 workers are entitled?"

On taking the dispute on file on receipt of records from the Tamil Nadu State Industrial Tribunal, Chennai and on perusal of records, it is noticed that the I Party, of Sangam is being represented by the counsel and the II Party is yet to be represented by counsel. Notice by Registered Post with acknowledgement due was sent to counsel on record for I Party and II Party direct for the hearing on 19-1-2001.

On 19-1-2001 both the parties have not appeared. But the counsel for I Party appeared. Shri K. Anbarasana, Advocate entered appearance for the II Party and filed Vakalath. The Counsel for I Party informed the Court that the matter has been settled between the parties as early as April, 2000. He prayed time for filing memo on behalf of the I Party as not pressing the relief prayed for in this reference mentioned dispute. So the hearing of the enquiry was adjourned from 19-1-2001 to this date.

When the case has been taken up to-day, the I Party Union Counsel filed a memo stating that the I Party Union and the II Party Management entered into settlement dated 20-4-2000 under section 18(1) of the Industrial Disputes Act on various issues including the issue under reference and a xerox copy of the settlement is enclosed with the memo, and in view of that settlement, the Union is withdrawing this dispute. Notice of this memo as given to the counsel on record for the II Party.

The xerox copy of the settlement filed as an enclosure to the memo perused. As per the terms of that settlement between the Parties I and II dated 24-4-2000 signed by the representatives of the I Party Union and South Arcot District Black Stone Mine Workers Union and the representative of the dispute referred to in the reference in question has been settled. The counsel for the II Party Management who took notice of this memo has not made any representation on behalf of the II Party Management, disputing or objecting to the memo. Hence, that memo is recorded.

In view of the memo filed by the I Party Union, this industrial dispute is dismissed as withdrawn and an Award is passed accordingly without cost.

Dictated to the typist and typed by her direct, corrected and pronounced by me in open court on this day the 30th January, 2001.

K. KARTHIKEYAN, Presiding Officer

नई दिल्ली, 23 फरवरी, 2001

का.आ. 562.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मद्रास पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में श्रम न्यायालय चैन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16/2/2001 को प्राप्त हुआ था।

[सं. एल-33012/5/95- आई. आर. (एम)]

बी. एम. डेविड, अव्वर सचिव

New Delhi, the 23rd February, 2001

S.O. 562.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management Madras Port Trust and their workman, which was received by the Central Government on 16-2-2001.

[No. L-33012/5/95-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, CHENNAI

Tuesday, the 9th day of January, 2001

PRESENT :

Thiru S. R. Singharavelu, B. Sc., B.L., Industrial Tribunal.

Industrial Dispute No. 69 of 1995

(In the matter of dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of Madras Port Trust, Madras

BETWEEN

Shri P. Sivakumar,
150/12, Srinivasapuram,
Foresore Estate,
Madras-600028.

AND

The Chairman,
Madras Port Trust,
Rajaji Salai,
Madras-600001.

REFERENCE :

Order No. L-33012/5/95-IR (Misc.) dated 20-10-95,
Ministry of Labour, Government of India, New Delhi.

This dispute coming on for final hearing on Wednesday, the 6th day of December, 2000, upon perusing the reference, Claim and Counter Statements and all other material papers on record and upon hearing the arguments of Tvl. R. Ganesan. V. Gangatharan and R. Rengaramanujam, advocates appearing for the workman and of Tvl. R. Arumugam, B. Haribabu and M. Krishnakumar, advocates appearing for the Management and this dispute having stood over till this day for consideration, this Tribunal made the following :

AWARD

The Government of India has referred the following issue for adjudication by this Tribunal :

'Whether the action of the management of Madras Port Trust in terminating the services of Sri P. Sivakumar, Mazdoor, w.e.f. 31-12-90 is justified? If not, to what relief the workman is entitled?'

2. The main averments found in the Claim Statement of the petitioner are as follows :

Shri S. Ponnusamy, who was employed as a Lascar G.I. in Marine Department, in the Madras Port Trust died on harness. The petitioner was appointed on compassionate ground as a Shore Mazdoor from 12-2-90. On a Charge of Misconduct that the Certificate produced by the petitioner in proof of his age and qualification was bogus, the petitioner's services were terminated from 31-12-90. The discharge was an Order of dismissal for a misconduct. Even if the petitioner was a probationer, he cannot be discharged on a charge of misconduct without any enquiry. The Order of termination is not an Order of termination simpliciter. The order refers to production by petitioner of bogus records for gaining appointment. The Order of termination casts a stigma. Therefore the disciplinary procedure should have been followed as required under Madras Port Trust Employees (classification Control and Appeal) Regulations, 1988. The petitioner has worked more than 240 days of service. Since retrenchment procedure was not followed the Order of termination is ab-initio void. The petitioner prays to pass an award holding that the action of the Port Trust in terminating the services of the petitioner is not justified and directing his reinstatement in service, with continuity of service, back wages and attendant benefits.

3. The main averments found in the Counter Statement of the Respondent are as follows :

One S. Ponnusamy was employed as Lascar Grade II (Y) Marine died on 3-10-1983 while in service. Smt. Vasantha, wife of the said deceased produced a Birth certificate certifying that P. Sivakumar was born on 25-12-1963 and Ponnusamy and Vasantha being his parents. Based on these documents P. Sivakumar's name was registered as dependant of the deceased employee and later on he was considered for appointment in the Trust. He was appointed as Mazdoor on 12-2-90 and he was placed under Probation for a period of 2 years. The petitioner produced his School Certificate and also the Attestation form. The Asst. Vigilance Officer and Asst. Superintendent(V) went in search of the said school and noticed that on such school exists in the given address. Another attempt has been made along with P. Sivakumar to locate the school in which P. Sivakumar stated to have studied. The said P. Sivakumar on the way itself admitted that he had not studied in the said school viz. St. Albert Hr. Elementary School, Mylapore, Madras-4 which is not existing one and he obtained the school certificate (Record Sheet) representing his age, qualification date of birth etc. has been substantiated as bogus one since such school was not in existence. Therefore his probation in the post of Mazdoor was therefore terminated under M.P.T. Employees (Appointment, Promotion etc.) Regulation 1977 by an Order dated 31-12-1990. The production of bogus School Certificate of a school which is not at all in existence is a serious matter of discipline and hence his probation was terminated rightly. The question of conducting an enquiry does not arise in this case since the petitioner was under probation and during the probation period, his probation was terminated. The termination of his probation is not a penalty and hence no enquiry is conducted. The termination of his probation is not retrenchment. Therefore the question of not a following the retrenchment procedure never arises in this case. The respondent prays to dismiss the above dispute.

4. On behalf of petitioner, Ex. W1 to W9 were marked by consent. On behalf of respondent/management, MW1 Thiru T. Subbarao has been examined and Ex. M1 to M10 were marked.

5. The Point for consideration is : Whether the action of the management of Madras Port Trust in terminating the service of Sri P. Sivakumar, Mazdoor, w.e.f. 31-12-90 is justified? If not to what relief the workman is entitled to?

6. The Point : The petitioner was appointed as Mazdoor on 12-2-90 on Compassionate grounds and he was placed under probation for a period of 2 years. His appointment order was marked as Ex. M3 on the side of management and Ex. W3 on the side of workman. They are dated 12-2-90. Ex. M4 is the acceptance letter of the petitioner, Ex. M5 is the declaration given by the petitioner wherein Column 10 shows that between 13-6-69 and 16-6-77 he was studying in

St. Albert Higher Elementary School, Mylapore, Madras-4 and that he had passed the VIII Std. Examination. In Column, 5 the petitioner's parents were noted as S. Ponnusamy and P. Vasantha. In fact, S. Ponnusamy was originally employed as a Luscal Grade II(Y) Marine who died on 3-10-83 in harness. His widow is Smt. Vasantha on whose representation and production of Birth Certificate, that Sivakumar was born to them on 25-10-63 the later was appointed as Mazdoor on compassionate grounds. The school record sheet was marked as Ex. M6, which was found in conformity with declaration of petitioner through Ex. M5.

7. But it is stated in para. 3 of the Counter, that the Asst. Vigilance officer, when verified the school it was found that no such school as Albert Higher Elementary School was at all in existence. It is said that the petitioner too had admitted the above fact. Therefore, the management came to the conclusion that since the school record sheet through Ex. M6 was found as bogus, all the entries thereto namely the date of birth, the paternity the age, and qualification obtained are all bogus. Therefore, termination order was passed on 31-12-90 through Ex. M7 which order contains the following:

"On enquiring and verification by the Trust's Vigilance officer of the records produced by him for gaining appointment in the Trust it is substantiated that the School Certificate produced by him is a bogus one as such a school was not in existence and also from his own statement.

.. His probation in the post of Mazdoor (Shore labour) is therefore terminated."

8. The Management has produced the Service Regulation through Ex. M10 and relied upon Rule 13(1) which states as follows:

"If, at any time, during the period of probation the appointing authority is of the opinion that the services of the probationer in that post are not satisfactory, he may pass an order terminating his probation in the post."

Therefore, it was contended on the side of the management that as per Rule 13(1) of the Service Regulations, it is legally correct on their part to have passed an Order of Discharge without any enquiry since the petitioner was on probation.

9. The Learned Counsel for the petitioner contended that in order to apply Rule 13(1) of Service Regulations (Ex. M10) and to terminate a probationer what is essential is that the opinion of the appointing authority that the service of the probationer was not satisfactory.

10. The Learned Counsel for the Petitioner again contended that if that much of the satisfaction or otherwise of the Management about the service of the probationer was alone contended in the Order of Termination then it may amount to the compliance of Rule 13(1) of the Service Regulations. If a stigma is attached in the Order of Termination, so as to affect the future of the workman, then termination without enquiry is bad. He has also relied upon 1999 II LLN p. 44 at P. 56 between Dipti Prakash Banerjee and Satvendra Nath Bose National Centre for Basic Sciences, Calcutta and Others, wherein it was contended that if the Order of Termination contains a stigma, or if such a stigma is contained in any document referred to in the Termination order or in its annexures, then in such a case the Order of Termination would stand vitiated on the ground that no regular enquiry was conducted. It has been held in AIR 1961 Supreme Court p. 177 that the use of the word, 'unsatisfactory work and conduct', in the termination order will not amount to stigma. Thus, whether an order of termination of probationer, attaches stigma depends on the facts and circumstances of each case and the language or words, employed in the Order of Termination.

11. In the above cited case, the termination of the probationer was on the ground of preparation of false bills and misbehaviour with other staff. In that case, it was held as follows:

"If these were referred to as mere allegations it would have been a case of motive. But as these definite

conclusions of misconduct are evident on the face of this letter, dated 11, December 1995, and this letter falls within the 'whole period,' the conclusion is inescapable that these findings were part of the foundation of the impugned order and it is not a case of mere motive. On this ground, the order requires to be set aside."

12. Whether the Order of termination issued was merely a camouflaged Order imposing a penalty of termination of service on the ground of misconduct, was the question dealt with in the above case and it was held at para. 43 of the above judgement that where the findings regarding misconduct was arrived at without conducting a regular departmental enquiry, then the termination order will be vitiated.

13. Therefore, now what we have to see is whether the termination in our case is a mere discharge on the ground of unsatisfactory service of the probationer, as contemplated under Rule 13(1) of the Service Regulations (Ex. M10) in which case no enquiry is necessary; or whether the Order of Termination is actually a penalty for any misconduct. If the case pertains to the second category then enquiry becomes very much essential.

14. Now on a careful perusal of Order of termination made through Ex. M7 (Ex. W4) it is not a mere unsatisfactory of services of the probationer that made the management to pass an Order of discharge; on the contrary on verification by the Vigilance officer of the management, as the school certificate produced by the petitioner during the time of appointment was found as a bogus one. They passed the Order of discharge of the petitioner. Thus it is made clear that for the misconduct of production of bogus certificate the petitioner was found to have been terminated. This situation has not been covered under Rule 13(1) of the Service Regulations. What actually it covers is the discharge of a probationer while his services were found unsatisfactory. But in a case where termination was found on a particular kind of misconduct as in the instant one, what is required is an enquiry.

15. It may be argued that the production of an alleged bogus certificate was prior to the Order of appointment and therefore the misconduct prior to the appointment may not be subject of termination. Even though the production of alleged bogus certificate was prior to appointment, such irregularity or illegality continues even while the person was in service. It does not pertain to exact nature of service that was rendered by the individual in order to attract rule 13(1) of the Service Regulations. On the ground it would only tell open the conduct of the workman. Therefore, viewed in any angle the Order of termination was only for the misconduct of the workman, in which case, there should have been an enquiry. Thus the termination without enquiry is vitiated.

16. Any way it is open for the management, to again conduct an enquiry, on this aspect by following procedure and to take appropriate decision.

17. Thus the Order of termination is not justified. He is entitled for reinstatement with continuity of service and backwages. Any way the management has got right to take appropriate action according to law with due procedure. Award passed accordingly. No costs.

Dated at Chennai, this 9th day of January, 2001.

S. R. SINGHARAVELU, Industrial Tribunal

Witnesses Examined

For Petitioner/Workman : None

For Respondent : MW. 1 Thiru T. Subha Rao

DOCUMENTS MARKED

For Petitioner/Workman :

Ex. W1 20-9-88 : Intimation for Medical Examination (All xerox).

Ex. W2 27-9-88 : Enrolment order as Casual Mazdoor.

Ex. W3 12-2-90 : Appointment order as Mazdoor.

Ex. W4 31-12-90 : Order of discharge.

- Ex. W5 27-10-93: Representation to Regl. Labour Commissioner
 Ex. W6 31-5-94: Reply by the Management to the Regl. Labour Commissioner, Madras
 Ex. W7 18-11-94: Representation to the Regl. Labour Commissioner, Madras.
 Ex. W8 21-6-95: Conciliation Failure report.
 Ex. W9 20-10-95: Reference by the Government.

For Management :

- Ex. M1 16-9-88: Declaration form given by the petitioner.
 Ex. M2 27-9-88: Memo for enrolment of Casual Labour.
 Ex. M3 12-2-90: Appointment order.
 Ex. M4 .. : Acceptance letter by the petitioner.
 Ex. M5 6-3-90: Declaration given by the petitioner.
 Ex. M6 .. : School Record sheet.
 Ex. M7 31-12-90: Termination order.
 Ex. M8 31-5-94: Counter filed before Regl. Labour Commissioner.
 Ex. M9 11-3-95: Counter filed before Regl. Labour Commissioner.
 Ex. M10 .. : Madras Port Trust Employees Regulations.

नई दिल्ली, 23 फरवरी, 2001

का.आ. 563.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अफीसर इन्चार्ज मिलिटरी डेयरी फार्म के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण लखनऊ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-2-2001 को प्राप्त हुआ था ।

[सं. एल-14012/14/99/आई.आर. (डी यू.)]
 कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 23rd February, 2001

S.O. 563.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Lucknow as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Officer Incharge, Military Dairy Farm and their workman, which was received by the Central Government on 23-2-2001.

[No. L-14012/14/99/IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW
 Presiding Officer : Rudresh Kumar.

ADJUDICATION

I.D. No. 138/2000 (Old No. 232/99)

BETWEEN

Vinod Kumar,
 C/o B.M.S. 32,
 Chakrata Road,
 Dehradun.

AND

Officer Incharge,
 Military Dairy Farm,
 Dehradun.

AWARD

By reference No. L-14012/14/99/IR(DU) dated 21-7-1999, the Central Government the Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) of Section 10 I.D. Act, 1947 made over this industrial dispute between Vinod Kumar and Officer Incharge, Military Dairy Farm, Dehradun to the CGIT-cum-Labour Court, Kanpur for adjudication. Later, this dispute was transferred to this Tribunal for adjudication.

Reference reads as under :

"Whether the action of the management of Military Dairy Farm, Dehradun in terminating the services of Shri Vinod Kumar Ex-temp. status casual labour is legal and justified? If not, to what relief the workman is entitled?"

2. Registered notices were sent to the workman on 29-9-2000, 23-10-2000, 14-1-2000, 21-12-2000 and 22-1-2001 but the workman did not appear. The management informed this Tribunal at camp court Dehradun, by letter dt. 17-1-2001 that the workman Vinod Kumar had filed an application with the management, not to pursue this dispute further. A photo copy of the letter signed by the Vinod Kumar, is attached with the management's letter dated 17-1-2001.

3. Despite number of registered notices sent to the workman, he did not appear which indicates his unwillingness to pursue this industrial dispute. This fact may be also gauged from his letter to the management. In absence of claim statement of the workman, it is not feasible to adjudicate this reference on merit, so it is ordered to be returned without any adjudication.

4. Award accordingly.

Lucknow.

9-2-2001

RUDRESH KUMAR, Presiding Officer

नई दिल्ली, 23 फरवरी, 2001

का.आ. 564.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिटरी डेयरी फार्म देहरादून के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण लखनऊ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-2-2001 को प्राप्त हुआ था ।

[सं. एल-14012/31/99/आई.आर. (डी यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 23rd February, 2001

S.O. 564.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Lucknow as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Military Dairy Farm, Dehradun and their workman, which was received by the Central Government on 23-2-2001.

[No. L-14012/31/99/IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

New Delhi, the 23rd February, 2001

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

Presiding Officer : Rudresh Kumar.

ADJUDICATION

I.D. No. 143/2000 (Old No. 237/99)

BETWEEN

Bal Yogeshwar,
C/o B.M.S. 32,
Chakrata Road,
Dehradun-248881.

AND

Officer Incharge,
Military Dairy Farm,
Dehradun.

AWARD

By reference No. 1-14812/31/99/IR(DU) dated 3-8-1999, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of sub-section (1) of Section 10 I.D. Act, 1947 made over this industrial dispute between Bal Yogeshwar and Officer Incharge, Military Dairy Farm, Dehradun to the CGIT-cum-Labour Court, Kanpur for adjudication. Later, this dispute was transferred to this Tribunal for adjudication.

Reference reads as under :

"Whether the action of the management of Military Dairy Farm, Dehradun in terminating the services of Sri Bal Yogeshwar, ex-temp stats casual labour is legal and justified? If not, to what relief he is entitled?"

2. Claim statement was filed by the workman. Management also filed written statement, a copy of which was furnished to the workman on 12-7-2000. Since then the workman did not appear. The workman, Bal Yogeshwar, gave in writing to the management showing his unwillingness to pursue this dispute. This fact is brought to notice by the management through its letter dated 17-1-2001.

3. Registered notices were sent also, to the workman from this Tribunal on 29-9-2000, 23-10-2000, 14-11-2000, 21-12-2000 and 22-1-2001, but no response came from him. In view of the said facts, it is not possible to adjudicate the case on merit and the reference is returned unadjudicated.

4. Award accordingly.

Lucknow,
9-2-2001.

RUDRESH KUMAR, Presiding Officer

नई दिल्ली, 23 फरवरी, 2001

का.आ. 565 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हैवी विहकुलस फैक्टरी, आवादी के प्रबंधन के संबंध नियोजकों और उनके कमकारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23/2/2001 को प्राप्त हुआ था।

[सं. एल-14012/43/98/आई आर. (डी यू)]

कुलदीप राय वर्मा, डैरक अधिकारी

S.O. 565.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Heavy Vehicles Factory, Avadi and their workman, which was received by the Central Government on 23-2-2001.

[No. 1-14012/43/98/IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU,
CHENNAI

Wednesday, the 31st day of January, 2001

PRESENT :

Thiru S. R. Singharavelu, B.Sc., B.L., Industrial Tribunal.

Industrial Dispute No. 40 of 1999

(In the matter of dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of Heavy Vehicles Factory, Avadi.)

BETWEEN

Sri M. Ramanathan,
No. 1, Bhujanga Rao Lane,
Radha Nagar,
Chrompet, Chennai-600044.

AND

The General Manager,
Heavy Vehicles Factory,
Avadi,
Chennai-600054.

REFERENCE :

Order No. L-14012/43/98/IR(DU) dated 16-2-99 Ministry of Labour, Government of India, New Delhi.

This dispute coming on for final hearing on Wednesday, the 17th day of January, 2001, upon perusing the reference, Claim and Counter Statements and all other material papers on record and upon hearing the arguments of Tvl. S. R. Rajagopal, S. K. Ragnathan and V. Vishnuvijayan, advocates appearing for the workman and of Thiru M. K. Jayakumar, Addl. Central Government Standing Counsel appearing for the Management and this dispute having stood over till this day for consideration, this Tribunal made the following:

AWARD

The Government of India has referred the following issue for adjudication by this Tribunal :

"Whether the Management of Heavy Vehicles Factory, Avadi, Chennai is legal and justified in removing Sri M. Ramanathan, Machinist 'B' from his services and if not, to what relief the workman is entitled?"

2. The main averments found in the Claim Statement of the petitioner are as follows :

The petitioner was a Machinist 'B' in the Heavy Vehicles Factory, Avadi. He joined the Factory on 27-12-1965. He was elected as a member of the Works Committee and was also elected as a Loans Committee Member in 1966. The petitioner was the Treasurer of the Heavy Vehicles Factory Employees' Union from 1966. The petitioner was suspended from 11-12-1970, pending certain disciplinary action. A Charge memo was issued to him, listing out certain charges. The charges were as follows : (i) committed acts amounting to continued and habitual negligence of work ; (ii) committed act amounting to habitual absence from work spot without leave and habitual late attendance ; (iii) committed acts vio-

lative of security standing instructions which prohibit inter alia meetings and /or group discussions within factory premises; (iv) committed acts amounting to inciting others to desist from doing their duties and (v) committed acts unbecoming of a Government servant amounting to gross misconduct. The main charges against the petitioner is that of frequent absenteeism from work spot, late attendance, group meetings/discussions within factory premises and inciting workers to desist from doing their duties. An enquiry officer was appointed. It was an Assistant Manager, who was far inferior to the General Manager of the Heavy Vehicles Factory who is the Disciplinary Authority. The Enquiry Officer was also subordinate to the General Manager (Light Machine Shop) who was a witness in the case. The enquiry officer cannot be said to have been conducted in a fair and proper manner. The petitioner made a request to examine the General Manager of the factory as a defence witness. But the request to examine him was turned down by the enquiry officer. The respondent was in a position of witness in respect of certain charges. Being in a position of a witness, he is not competent to pass the final order of removal from service. The findings of the disciplinary authority vitiated as he concurs with the finding of the enquiry officer. The petitioner prays to pass an award holding that the removal of the petitioner from service by the respondent is not justified.

3. The main averments found in the Counter Statement of the respondent are as follows :

At the outset the respondent considers it fit to reiterate that Heavy Vehicles Factory, Avadi is one among the I.O.Fs. and it has been decided in a case that the activities of O.Fs. cannot be considered as 'industry' under the I.D. Act. In the case of Bangalore Water Supply and Sewerage Board Vs. A. J. Rajappa (AIR 1978 SC), Hon'ble Supreme Court held that the establishments performing sovereign functions shall be excluded from the provisions of the term 'Industry' as given in Industrial Disputes Act, 1947. This was again affirmed in its judgement in the case of G.M. Telecom Vs. Srinivasa Rao and others reported in 1997 V of 8 See page 767. Also Section 13B of the I.D. (Amendment) and Miscellaneous Provisions Act, 1956 (Act No. 36/1956). In view of the above, the proper forum to agitate any matter pertaining to service condition is the Central Administrative Tribunal. The petitioner is governed under the provisions of FR&SR, CCS (CCA) Rules, 1965 and CSR. Hence it is prayed that the dispute referred by the petitioner is not within the jurisdiction of the Industrial Tribunal. It is submitted that the petitioner is an ex-Central Government servant covered under CCS (CCA) Rules and as per the provisions of the rule, the petitioner was issued Charge sheet and given reasonable opportunity of defending his case during the course of Court of Inquiry proceedings as laid down in CCS (CCA) Rules, 1965. As a matter of procedure, the petitioner was given a Show Cause Notice. The petitioner was given reasonable opportunity and natural justice in dealing with his case and cannot term the order of removal from service as victimisation. The remedy available to this petitioner was to approach the High Court and that too within a reasonable period of time. Even if the date of application to the Regional Labour Commissioner during 1989 is taken, the application is hopelessly barred by limitation because 18 years have lapsed. The petitioner has to abide by the Security Standing Instruction, CCS (Leave) Rules etc. and cannot claim exemption from rules on the pretext of being so-called union representative of un-recognised union. The respondent prays to dismiss the petition on the ground of beyond the jurisdiction of the Hon'ble Tribunal and further pray that the petitioner has exhausted all official remedies available to him, way back during 1972 and cannot agitate after 25 years in any Tribunal or any other appropriate judicial authority being time barred.

4. On behalf of petitioner, WW1 Thiru M. Ramanathan has been examined and Ex. W1 to W13 were marked. On behalf of respondent, MW1 Thiru P. Suresndran has been examined and Ex. M1 to M5 were marked.

5. The Point for consideration is whether the Management of Heavy Vehicles Factory, Avadi, Chennai is legal and justified in removing Sri M. Ramanathan, Machinist 'B' from his services and if not to what relief the workman is entitled?

6. The Point : The petitioner was employed as Machinist 'B' with the respondent. He was appointed in December 1965. He was subsequently elected as Works Committee Member and Secretary Loans Committee. He happened to be the treasurer of Heavy Vehicle Factory Employees Union. He was also a Loans Committee Secretary to sanction loan to the employees of the factory.

7. On 11-12-1970 a Charge Memo was issued to him through Ex. W3 (Ex. W2). On 21-12-70, he had given an explanation through Ex. W4. Not satisfied with the explanation, an enquiry was ordered. The proceedings of the Enquiry Authority was marked as Ex. W5. It was made as per Rule 16 of CCS (CCA) Rules 1965. There was an Order of dismissal dated 27-2-71 through Ex. W7 (Ex. M4). Subsequently on 8-3-71, the petitioner had made an appeal Memorandum through Ex. W9 which was also rejected by the Under Secretary to Government of India through Ex. W10 dated 21-2-72. Thus the petitioner was removed. The charges are : (i) that the said Ramanathan while functioning as Machinist 'B' committed acts amounting to continued and habitual negligence of work; (ii) that he has committed act amounting to habitual absence from work spot without leave and habitual later attendance; (iii) that the petitioner had committed acts violative of Security Standing Instructions which prohibit meetings or group discussion within the factory premises; (iv) that the petitioner committed acts amounting to inciting others to desist from doing their duties and (v) that he committed acts unbecoming of a Government servant amounting to gross misconduct. Annexure-II of Ex. M3 contained details of the alleged misconducts. The said Charge sheet was issued by Major General K. M. Kini, General Manager. The enquiry was conducted by Mr. W. I. Willington, Asstt. Manager.

8. Before going into the alleged irregularities in the enquiry against the misconduct, both the counsels argued much upon the question of jurisdiction. The learned counsel for the Management contended Section 13(B) of the I.D. (Amendment) and Miscellaneous Provisions Act, 1956 (Act No. 36/1956) exempts certain industries, from its jurisdiction, Section 13(B) of the said Act read as follows :

"13-B—Act not to apply to certain Industrial Establishments :

Nothing in this Act shall apply to an industrial establishment in so far as the workmen employed therein are persons to whom the Fundamental and Supplementary Rules, Civil Services (Classification, Control and Appeal) Rules, Civil Service (Temporary Service) Rules, Revised Leave Rules, Civil Service Regulations, Civilians in Defence Service (Classification, Control and Appeal) Rules, Indian Railway Establishment Code or any other rules or regulations or that may be notified in this behalf by the appropriate Government in the Official Gazette apply."

9. Reliance was also placed upon AIR 1978 Supreme Court (Bangalore Water Supply and Sewerage Board Vs. Rajappa), wherein it was held that the establishment performing sovereign functions shall be excluded from the provisions of the term 'industry' as given in I.D. Act 1947. But the learned Counsel for the Workmen, relied upon 1994 11 LLJ 665 which had followed the verdict in 1986 Calcutta I.C. page 1269. Reliance was also placed upon 1995 1 LLJ 994, wherein it was held as follows :

"Even in a department discharging sovereign function if there are units, which are industries and they are substantially severable, then they should be considered to come within the fold of Section 2(i) of the Industrial Disputes Act. The Central Ordnance Depot, being a severable unit of Defence Department and is carrying on a systematic activity with the cooperation of employees and employer, thus it is an Industry within the meaning of Sec. 25-J."

Thus it is settled law that even in departments discharging sovereign functions if there are units which are severable they can be considered within Section 2(i). In the later judgement Central Ordnance Dept. of Union of India itself was a party and it was held the employees thereunder would be

covered under Section 2(j) and that the management would be called as an 'Industry'. The Central Ordnance Depot Union of India itself was held as an Industry. This respondent also of that category. So this Respondent can as well be called as an Industry for the purpose of this issue. Therefore, the contention that this Court has no jurisdiction is not acceptable.

10. The next point that was urged on the side of the management is that for the conduct of petitioner which occurred on 11-12-70 the penalty was passed on 27-2-71 and that it was some where in 1989 that the Regional Labour Commissioner has enquired this matter. Therefore, it was argued that the cause cannot be agitated after 18 long years. For this purpose, the learned Counsel for the Petitioner relied upon AIR 1999 Supreme Court 1351 wherein the following was held:-

"The provisions of Art. 137 of the Schedule to Limitation Act, 1963 are not applicable to the proceedings under the Act and that the relief under it cannot be denied to the workmen merely on the ground of delay. The plea of delay if raised by the employer is required to be proved as a matter of fact by showing the real prejudice and not as a merely hypothetical defence. No reference to the Labour Court can be generally questioned on the ground of delay alone. Even in a case where the delay is shown to be existing, the Tribunal, Labour Court or Board, dealing with the case can appropriately mould the relief by declining to grant backwages to the workman till the date he raised the demand regarding his illegal retrenchment/termination or dismissal. The Court may also in appropriate cases direct the payment of part of the backwages instead of full backwages."

In that case the relief was held that could be moulded as deemed fit by the Tribunal. By relying upon AIR 1994 Supreme Court 112, the learned Counsel for the Petitioner argued that in view of reinstatement which could not be given now for the petitioner, since he has attained or going to attain soon the age of superannuation, the relief can be moulded by way of grant of lumpsum compensation.

In fact, in that case it was held as follows:-

"The respondent was dismissed way back on 17th November, 1967 and we are now in March 1992. We thought it would be proper if the respondent is paid a lump sum compensation in lieu of reinstatement. That was also the suggestion which came from counsel for the respondent but she stated that the respondent should be paid 75 per cent of the backwages by way of compensation. That suggestion was not acceptable to the learned Counsel for the appellant. We, however, thought that a lump sum payment is the most suitable solution to this dispute between the parties. Unfortunately, the counsel for the parties were not in possession of the relevant material concerning the salary of the respondent and its revision from time to time. We, therefore, have to do some amount of guess work. Keeping in mind what we the salaries in 1967 and the revisions that took place thereafter in State Services, similar revisions also took place in the services of the public sector corporations, we worked out the compensation keeping in mind the rival contentions of the parties. We suggested that on our working the compensation comes to Rs 75000. Both the learned counsel have agreed to the suggestion that the matter may be closed on payment of Rs 75000 by way of compensation."

This the delay also will not go against the workman. Now let us come to the main issue as whether the petitioner had misconducted himself and that it was proved properly.

11. The evidence of MW3 culled out hereunder will go to show the infallibilities of the petitioner.

Q. Are you aware of the two letters dated 25-9-70 and 27-11-1970 issued by the GM, to Mr. Ramanathan?

A. I am aware of it.

Q. Did Mr. Ramanathan show any improvement in his performance after the GM's warning dated 25-9-70?

A. He did not show any improvement in his production.

Q. How was his attendance with regard to being punctual and with regard to presence on the work spot?

A. He was generally coming late and absence from duty with permission (i.e.) when he is going on leave with permission.

Q. Was he leaving the workshop always with your prior permission?

A. Some times he used to go with permission and some times without permission also.

Q. After the GM's warning dated 25-9-70 had you been keeping a record of the output he was giving?

A. I used to send the record of output on day to day basis to the Manager (LMS) through Asst. Manager (LMS) and I used to have a copy of the same also.

Q. Were these figures of output, Sri Ramanathan was giving, recorded after asking him how much he had produced?

A. I used to record the same in one of the copies to be sent to Manager (LMS) through Asst. Manager (LMS). There was definite instruction from Manager (LMS) stating that I have to give the job to Sri Ramanathan in the morning and find out how many he has done by the closing hours of the factory in the evening. The instruction was also there, during any absence Group in charge Sri Nagarajan, A/F will be allocating the work as said in the above manner.

Q. Does it not then mean that Mr. Ramanathan was fully aware of the out turn he was actually giving and the out turn he was expected to give?

A. He was aware of the actual production he has to give as he was supplied with process sheet, where the time is recorded.

Q. Did Mr. Ramanathan report for duty on 1-12-1970 at the right time?

A. He reported for duty at 9.00 A.M. on 11-12-70.

Q. Did you allot him work as usual on that day?

A. I called him to allot the work but he went out of the Capstan Group and he came at about 10.45 A.M. to the Section speaking with operators till 10.55 A.M. He reported at 1.45 p.m. and started his work and he had done 2 components before the closing hours. He has taken permission at 12.45 p.m. to see the Chairman, Works Committee.

Q. Did he address any group of workers in the section on 11-12-70?

A. He was speaking with a group of people from 10.45 A.M. to 10.55 A.M. in the Capstan Group.

Q. Did the work come to a stop in the section or part of the section as a result of Mr. Ramanathan speaking to the workers?

A. The Stoppage of work was there from 10.45 A.M. to 10.55 A.M. When Mr. Ramanathan was present and stoppage of work was also there from 12.45 P.M. to 1.15 P.M. when Mr. Ramanathan was not there in the Capstan Group.

The witnesses managed to say the same in the course of Cross-examination also. Witness No. 4 also had maintained the same as against the petitioner. Seeing through the copy of assessment of evidence contained in the proceedings of enquiry, we are able to see that the Enquiry Officer has well considered the various aspects put in the evidence and Page Nos. 1 and 11 (as mentioned at page No. 84 of the typed set) of the Proceedings of the enquiry, which will go a lot to show against the petitioner. A careful perusal and analysis of the entire evidence would only go to justify the findings given at page No. 91 of the Typed set which is contained in the last page of the report of the Enquiry Officer. So the learned Counsel's argument that some of the witnesses like D. A. Pardasani, Mr. V. M. Gopalakrishnan, the 5th Witness do not speak accurately is incorrect. Stray lines of depo-

sition should not be evaluated. A collective reading of the entire evidence of individual witnesses shall have to be weighed. If this is done the misconduct is found proved. Whether the Charge Nos. 3 to 5 speak to the same set of facts is not the question; but the question is whether the allegations are true. A perusal of the entire evidence would only go to show that the allegations have been proved, despite the fact that Charge Nos. 3 to 5 are interlinked.

12. The Learned Counsel for the Workman contended that Mr. Willington, the Enquiry Officer was only Subordinate to Mr. Kini, the General Manager who actually issued the Charge Sheet. The rule is that any officer Superior to the workman has to conduct the enquiry. There is no rule that Charge Sheet should not be issued by the General Manager or that Asst. Manager should not be Enquiry Officer. No such provision in the Standing order of Service Rules was pointed out and again the non-examination of the Manager may not matter much because the Manager himself has issued a Charge Sheet and he is the Head of the office who even if examined may only endorse the view of actual witnesses of the occurrence. Further the General Manager had not witnessed anything so as to speak against the charges. So the non-examination of the General Manager is not fatal.

13. By evaluating the entire evidence, I am of the view that as co-keeper of the so many office bearership in the Union can never be exempted from adherence to the Conduct Rules and he can never be taken exemption from co-employees. Since the misconducts are found proved I do not want to interfere in the punishment also as circumstances justify the same. Strict discipline shall have to be adhered in places of defence workshops and in default it may endanger the security of the nation itself.

14. Therefore, the Management of Heavy Vehicles Factory, Avadi, Chennai is legal and justified in removing Sri M Ramanathan, Machinist 'B' from his services.

Award passed accordingly. No costs.

Dated at Chennai, this 31st day of January, 2001

S. R. SINGHARAVILLU, Industrial Tribunal

Witnesses Examined

For Petitioner/Workman

WW1: (Proof affidavit)—Chief Cross M. Ramanathan.

For Respondent/Management

MW1: Th. P. Surendran (Proof affidavit).

DOCUMENTS MARKED

For Petitioner/Workman

Ex. W1 : Govt. of India Order No. L-14012/43/98 IR (DU) dt. 16-2-99 (i.e. Reference).

Ex. W2 : The Supersedes Part I order 691 dated 21-10-70

Ex. W3 : (Charge sheet) Memorandum dated 1-12-70.

Ex. W4 21-12-70. Letter of M. Ramanathan, Machinist (under suspension) Explanation to General Manager H.V.F. Avadi.

Ex. W5 : Proceedings of the Enquiry authority

Ex. W6 29-7-71. Letter of M. Ramanathan to the Secretary, Ministry of Defence—Reinstatement appeal submitted.

Ex. W7 27-2-71. Letter issued by General Manager, HVF regarding Imposition of the penalty of removal.

Ex. B8 18-2-71 : Letter of M. Ramanathan to the General Manager HVF, Madras-54 regarding Appeal representation.

Ex. M9 8-3-71. Letter to M. Ramanathan by General Manager HVF regarding Appeal.

Ex. W10 21-2-72. Appeal dated 29-7-71 rejected by Under Secretary to Govt. of India.

Ex. W11 2-5-72. PART-II ORDER reg. Termination of Service under General Civil Service.

Ex. W12 : Discussion and Subsequent order relating to Labour situation in HVF (Minutes of Meeting).

Ex. W13 23-8-74 : Letter by A.I.D.F. to the General Manager, H.V.F. regarding Harassment in HVF

DOCUMENTS OF MANAGEMENT

Ex. M1 Chapter 21: Establishment and Functions of Central Administrative Tribunal. The Administrative Tribunal Act, 1985 (No. 13 of 1985).

Ex. M2 1-12-70. Charge sheet to Mr. M. Ramanathan.

Ex. M3 6-2-71: Disciplinary proceedings under rule 14 of Central Civil Service.

Ex. M4 27-2-71. Imposition of penalty.

Ex. M/ 4-3-71: Appeal made by Mr. Ramanathan/Workman.

नई दिल्ली, 23 फरवरी, 2001

का.आ. 566.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कलकशेत्रा फाउन्डेशन चेन्नई के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध से निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-2-2001 को प्राप्त हुआ था।

[म एन-42011/49/2000/आई आर (डी यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 23rd February, 2001

S.O. 566.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Chennai, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Kalakshetra Foundation, Thiruvannamipur and their workman, which was received by the Central Government on 23-2-2001.

[No. L-42011/49/2000-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday the 30th January, 2001

PRESENT:

K. Karthikeyan, B.A., B.L.,
Presiding Officer.

Industrial Dispute No. 83/2000

(In the matter of the dispute for adjudication under section 10(1)(d) and sub-section 2(A) of the Industrial Disputes Act, 1947 between the Claimant and the Management, the Director Kalakshetra Foundation, Thiruvannamipur, Chennai.)

BETWEEN

The President,
The Kalakshetra Foundation
Employees Congress,
Nanganallur,
Chennai.

Claimant/I Party

AND

The Director,
Kalakshetra Foundation,
Thiruvannamlyur,
Chennai.

.. Management/II Party

APPEARANCE :

For the Claimant: Unrepresented.

For the Management: M/s. Ramasubramaniam & Associates, Advocates.

REFERENCE

Order No. L 42011/49/2000-IR(DU) dt. 30-10-2000
Ministry of Labour, Government of India, New
Delhi.

AWARD

SCHEDULE OF REFERENCE :

"Whether the withdrawal of free food supply to the workmen working in the kitchen department of B.C.C. Hostel in Kalakshetra Foundation is legal and justified? If not, to what relief the workman are entitled?"

The Central Government by its order referred above has referred the Schedule mentioned dispute between the parties for adjudication by this Tribunal.

On receipt of this reference, this dispute has been taken on file of this Tribunal on 20-11-2000 as Industrial Dispute No. 83 of 2000 and notice to both the parties were ordered to be sent by Registered Post with acknowledgement due for the hearing on 05-12-2000. The notices sent accordingly to both the parties were served and postal acknowledgements were received. But the I Party/Claimant was not present for the hearing and there was no representation for the I Party Union. Counsel appearing for the II Party M/s. Ramasubramaniam & Associates filed Vakalat. So the case was adjourned to 15-12-2000 for the I Party Union to appear and to file the Claim Statement. When the matter was taken up on the adjourned date 15-12-2000, the counsel on record for the II Party alone was present. Neither the I Party/Claimant nor any of their representative present and file the Claim Statement of the I Party. There was no representation for I Party. So the matter was adjourned to 29-12-2000 for the appearance of I Party and for filing their Claim Statement. When, on 29-12-2000, the matter was taken up I Party Union remain unrepresented and the Claim Statement of the I Party was not filed. Counsel for the II Party alone was present. So the matter was adjourned to 17-01-2001 ordering fresh notice to the I Party Union by Registered Post with acknowledgement due. On that day also, when the matter was taken up II Party counsel alone appeared. No one appeared for I Party/Claimant and the Claim Statement of the I Party was not filed. There was no representation at all for the I Party. Then it was ordered to issue final notice to I Party Union by Registered Post with acknowledgement due for the hearing on this day the 30th January, 2001. Accordingly, the final notice was sent by Registered Post with acknowledgement due for the I Party for to-day's hearing. When the matter was taken up to-day, there is no representation for I Party Union. No one is appeared inspite of the final notice sent by Registered Post was served on them as it is seen from the postal acknowledgement received. There is no representation, Claim Statement for the I Party is not filed. Counsel representing the Management/II Party present. Having received the notices sent by Registered Post including the final notice for to-day's hearing, the Party Union's representative has not chosen to appear before this forum and file the Claim Statement espousing the cause of the concerned workmen. There is absolutely no representation for the I Party Union all these various hearing. The absence of the I Party union for all the hearings consistently, shows that the union which espousing the cause of the concerned workmen by raising this industrial dispute and the concerned workmen have absolutely no interest or inclination to prosecute this dispute before this Tribunal for adjudication for the relief sought, as mentioned in the Schedule of reference. Under such circumstances, this Tribunal has to conclude that no dispute exists between the parties.

In the result, the Tribunal pass an award, holding, that the dispute under reference does not exist and dismiss the claim referred to for non-prosecution. No cost.

Dictated to the typist, typed by her direct, corrected and pronounced by me in open court this day the 30th January, 2001.

K. KARTHIKEYAN, Presiding Officer

नई दिल्ली, 23 फरवरी, 2001

का.ग्रा. 567.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, पूणे के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-2-2001 को प्राप्त हुआ था।

[सं. एल-12011/92/98 आई.ग्रा. (बी-II)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 23rd February, 2001

S.O. 567.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Pune as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Bank of India and their workman, which was received by the Central Government on 20-2-2001.

[No. L-12011/92/98-IR(B-II)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SHRI S. G. HARTALKAR, INDUSTRIAL TRIBUNAL, PUNE

Reference (IT) No. 13 of 1999

ग्रा. नं. 0-5.

BETWEEN

The Bank of India,
Pune Regional Office,
1162/6, Shivajinagar,
Ganeshkhind Road,
Pune (Maharashtra)-411005.

....First Party.

AND

Their Workmen.

....Second Party.

In the matter of :

For adjudication of an industrial dispute pertaining to "Whether the action of the management of Bank of India, Pune, is not assigning the Cashier's duties to Shri Bam at Vafgaon branch from 22-2-1996 to November 1997 is legal and justified? If not, what relief the workman is entitled to?"

APPEARANCES :

Shri A. V. Joshi, Zonal Secretary, Bank of India Workers' Organisation, for the second party workman.

Shri Lancy I. D'Souza, for the first party Bank.

AWARD

12th February, 2001

1 This is a reference made by the Central Government under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947, for adjudication of an industrial dispute between Bank of India, Pune Regional Office, 1162/6, Shivajinagar, Ganeshkhind Road, Pune-411005,First Party and their workmen,Second Party over the dispute which is mentioned in the

Schedule to the Order of the Reference dated 11-6-1999, which is as under:—

"Whether the action of the management of Bank of India, Pune, in not assigning the Cashier's duties to Shri Bam at Vafgaon branch from 22-2-1996 to November, 1997 is legal and justified? If not, what relief the workman is entitled to?"

2. The second party the statement of claim at Exh. U-2.

3. The first party Bank filed its written statement at Exh. C-5.

4. As per purshis filed at Exh. U-7, the second Party Union has submitted a Purshis to the effect that the second party does not desire to proceed with the dispute referred for adjudication under the present Reference proceeding because the concerned employee has applied for voluntary retirement.

5. In view of the withdrawal Purshis filed by the second party at Exh. U-7, the demand in question is not pressed and the present Reference is therefore, liable to be disposed of accordingly. Hence I pass the following Award.

AWARD

As per withdrawal purshis filed by the second party at Exh. U-7, the demand in question is not pressed for the reason that the concerned workman has applied for voluntary retirement. The Reference is therefore, hereby disposed of as not pressed, vide Exh. U-7. No orders as to the costs. Award is made accordingly.

12th February, 2001.

S. G. HARTALKAR, Industrial Tribunal

नई दिल्ली, 23 फरवरी, 2001

का. मा. 568.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एल. आई. सी. आफ इंडिया के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय लखनऊ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-2-2001 को प्राप्त हुआ था।

[सं. एल-17012/36/98 आई आर. (बी-II)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 23rd February, 2001

S.O. 568.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Lucknow as shown in the annexure in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 20-2-2001.

[No. L-17012/36/98-IR-(B-II)]
AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW.

Presiding Officer : Rudresh Kumar.

ADJUDICATION

I.D. No.: 32/2000 (Old No. 114/99)

BETWEEN

Pradeep Kumar Gupta,
Vill. Kishauli, Post Bindaura,
Distt. Barabanki

AND

Branch Manager,
LIC of India,
3/3 Civil Lines,
Faizabad Road,
Barabanki.

AWARD

Initially, by reference No. : L-17012/36/98/IR-(B-II) dated 25-5-1999, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of sub-section (1) of section 10 I.D. Act, 1947 made over this industrial dispute between Pradeep Kumar Gupta and Branch Manager, LIC of India, Barabanki to the Central Government Industrial Tribunal-cum-Labour Court, Kanpur for adjudication. Later, by order dated 24-3-2000 this dispute was transferred to this Tribunal.

The reference is re-produced as under :

"Whether the action of Management of LIC of India in terminating the service of Shri Pradeep Kumar Gupta from 1-8-94 was legal and justified? If not, what relief is workman is entitled to?"

2. The workman, Pradeep Kumar Gupta, admittedly, was engaged as daily wager, in the month of Sept. 1992 at Barabanki branch of the LIC of India. He was under the working control of the Branch Manager. As alleged by the workman, he continuously worked from September 1992 till 31-7-94 and was terminated from 1-8-94. He worked for 279 days continuously but the management, instead of taking recourse to section 25 F, stuck his name from the roll and terminated him from the service. Unfair labour practices were adopted by the management in retaining juniors since he worked for more than 240 days continuously. The management's action being illegal in terminating his services, the workman, has claimed reinstatement with back wages.

3. The management has denied claim of the workman, stating that the workman was never appointed, as per rules against the post of class IV employee. He was engaged occasionally, when exigencies arose. He worked on contract and also on daily wage as per requirements. His total working days were much less than 240 days for which payments were made to him. It is also alleged that the original paid vouchers and other relevant documents were removed in clandestine manner with ulterior purpose. On verification from the budget control register, the workman actually worked for 137 days. In any manner the total working days in a calendar year was less than 240 days and benefit under section 25F I.D. Act is not available to sustain claim of the workman.

4. A photo copy of certificate dated 25-7-96, allegedly signed by the Branch Manager, LIC of India is on record. This certificate is not admitted by the management. In addition, the workman filed papers claiming wages and orders even passed over them to show actual payments. Genuineness of these documents are admitted which would be discussed later. The workman has also filed photo copy of 2 leafs of Attendance Register for the month of April and May 1994 showing his signatures and attendance. These photo copies are also not admitted by the management. In addition to it, the workman examined himself on affidavit to prove continuity of service for more than 240 days in a calendar year.

5. The management filed photo copy (Staff Regulations 1960) governing recruitment of class III and IV employees. A copy of the judgement passed by the Hon'ble Supreme Court in A.V. Nachane and Anr. Vs. Union of India and Anr. decided on 18-12-1981 is also filed to show that the matters covered by the rules exclude application of I.D. Act. The selection on class IV post is regulated by rules, hence benefit of section 25F I.D. Act is not available to the workman. The management also filed photo copies of the relevant leafs from budget control register, showing payments to the workman. Mr. R. C. Shukla, Manager LIC of India has also been examined as witness to substantiate management's version.

6. Before adventing to detailed discussion whether the workman completed 240 days to claim benefit of section 25-F I.D. Act, it is necessary to point out that a number of photo copies of the LIC of India records, supposedly, not to be in

possession of the workman, were filed without explaining the source and manner as how these documents came in the possession of the workman. The management alleged that the original paper relating to payments and other allied documents relating to payment, were removed by some one from the office. In this context, it is necessary for the workman to explain as how he came in possession of these documents. Placing reliance on such documents whose original are not traceable with the management and workman failing to show source of receipt would encourage tendency to remove relevant papers from file. Genuineness of these papers must be proved by direct evidence, before these are admitted and relied. However, with view to judge the guilty of evidence filed by the management, reference may be had as and when needed.

7. The onus to prove continuous engagement for 240 days lies on the workman. He filed a certificate dated 25-7-1996, reportedly, signed by the Branch Manager. Original certificate has not been produced in this case. This certificate is not proved by calling the Branch Manager and getting his signature proved. Period mentioned in the said certificate, is not corroborated by the payments received by the workman from the management. Whether the workman continuously worked, or in between the dates mentioned in the certificate, there were interruptions, is not shown. Number of days counted for payment contradicts the period shown in the certificate.

8. The workman has filed one application on 23-9-1992, claiming payment from 14-9-92 to 17-9-92 with the rate of Rs. 20 per day and the payment was made to him. Recommendation for payment by office mentions that Pradeep Kumar Gupta worked on contract on those days and accordingly Rs. 80 was paid to him. This endorsement indicates that he worked on contract and was not a casual labour or daily wages as claimed by him. No documents showing engagement from 17-9-92 to 27-8-93 is on record. On applications dated 1-2-94 and 1-3-94 there are no endorsements showing payments to the workman. These documents can not be relied. Likewise, on applications of the workman dated 1-7-1994 and 1-8-1994, the mode of payment seems to be different and cast doubt whether payments were towards wages or otherwise. Two photo copies, dated for April and May 1994, allegedly from the Attendance Register, is filed by the workman. Management has clarified that no attendance register is prescribed for casual workers. These fabrications were made by the workman himself. These leafs are not part of the records, maintained in the establishment.

9. From August 1993 onwards, the management has filed photo copies of the 'Budget Control Register', which show payments made to many persons including the workman at several occasions. On the basis of payments made to the workman during the period, his working days were not 240 days. Even few days working period in 1992 be considered, even then, the workman did not work for 240 days continuous service, disentitling him to get benefit of section 25-F I.D. Act, 1947.

10. Accordingly, the workman is not entitled to relief of reinstatement, as claimed.

11. Award accordingly.

8-2-2001

LUCKNOW

RUDRESH KUMAR, Presiding Officer

नई दिल्ली, 28 फरवरी, 2001

का.आ. 569.—दिनांक 15 अक्टूबर, 1992 को भारत सरकार के राजपत्र असाधारण भाग-2, खंड 3 के उपखंड (ii) में प्रकाशित श्रम मंत्रालय की अधिसूचना सं. का.आ. 769 (अ) के साथ पठित कर्मचारी राज्य बीमा अधिनियम, 1943 (1945 का 34) की धारा 45-1 के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, झारखंड राज्य का सृजन कर दिए जाने के फलस्वरूप निम्नलिखित अनुसूची के

स्तम्भ (2) में उल्लिखित अधिकारियों को, उक्त अधिनियम के उपबंधों के अन्तर्गत दायरे में आए सभी कारखानों और प्रतिष्ठानों के संबंध में उक्त अनुसूची के स्तम्भ 3 में उल्लिखित क्षेत्र के लिए संबंधित राज्य के गठन की तारीख से उक्त अधिनियम के तहत प्राधिकृत अधिकारी की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है।

क्र. अधिकारी का पदनाम क्षेत्र जहां शक्तियां प्रयोग की जानी है

1. संयुक्त निदेशक/उपनिदेशक/सहायक निदेशक, कर्मचारी राज्य बीमा निगम, क्षेत्रीय कार्यालय, पटना (बिहार)

[संख्या एस-38025/2/2001-एस.एस.-I]

एल. एच. रुनगुल, अवसर सचिव

New Delhi, the 28th February, 2001

S.O. 569.—In exercise of the powers conferred by clause (b) of Section 45-I of Employees State Insurance Act, 1943 (34 of 1945) read with notification of Govt. of India in the Ministry of Labour published in Part-II, Section 3 Sub-Section (ii) of the Gazette of India, extraordinary vide S.O. 769(E) dated the 15th October, 1992, the Central Govt. consequent upon creation of State of Jharkhand authorises the officer mentioned in Column (2) of the schedule below to exercise the powers of Authorised Officer under the said Act on and from the date of constitution of the State concerned for the area mentioned in column 3 of the said schedule, in relation to all factories and establishments covered under the provisions of the said act, namely:—

Sl. No.	Designation of the Officer	Area in relation to which to be exercised
1.	Joint Director/ Deputy Director/ Assistant Director, Employees State Insurance Corporation, Regional Office, PATNA (BIHAR).	The State of Jharkhand.

[No. S-38025/2/2001-SS-I]

L. H. RUOLNGUL, Under Secy.

नई दिल्ली, 28 फरवरी, 2001

का.आ. 570.—दिनांक 15 अक्टूबर, 1992 को भारत सरकार के राजपत्र असाधारण भाग-II, खंड 3 के उपखंड (ii) में प्रकाशित श्रम मंत्रालय की अधिसूचना सं. का.आ. 769 (अ) के साथ पठित कर्मचारी राज्य बीमा अधिनियम, 1943 (1945 का 34) की धारा 45-1 की खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार झारखंड राज्य का सृजन कर दिए जाने के फलस्वरूप निम्नलिखित अनुसूची के स्तम्भ (2) में उल्लिखित अधिकारियों को, उक्त अधिनियम के उपबंधों के अन्तर्गत दायरे में आए सभी कारखानों और प्रतिष्ठानों के संबंध में उक्त अनुसूची के स्तम्भ

3 में उल्लिखित क्षेत्र के लिए संबंधित राज्य के गठन की तारीख से उक्त अधिनियम के तहत वसूली अधिकारी की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है।

क्र. अधिकारी का पदनाम सं.	क्षेत्र जहां शक्तियां प्रयोग की जानी है।
1. उप निदेशक, कर्मचारी राज्य बीमा निगम, क्षेत्रीय कार्यालय, पटना बिहार	झारखंड राज्य

[संख्या एस-38025/2/2001-एस.एस. -I]

एल. एच. रुनगुल, अवसर सचिव

New Delhi, the 28th February, 2001

S.O. 570.—In exercise of the powers conferred by clause (b) of Section 45-1 of Employees State Insurance Act, 1943 (34 of 1945) read with notification of Govt. of India in the Ministry of Labour published in Part-II, Section 3 Sub-Section (ii) of the Gazette of India, extra ordinary vide S.O. 769 (E) dated the 15th October, 1992, the Central Govt. consequent upon creation of State of Jharkhand authorises the officers mentioned in Column (2) of the schedule below to exercise the powers of Recovery Officer under the said Act on and from the date of constitution of the State concerned for the area mentioned in column 3 of the said schedule, in relation to all factories and establishments covered under the provisions of the said act, namely :—

Sl. No.	Designation of the Officer	Area in relation to which to be exercised
1.	Deputy Director, Employees State Insurance Corporation, Regional Office, PATNA (BIHAR).	The State of Jharkhand.

[No. S-38025/2/2001-SS-I]

L. H. RUOLNGUL, Under Secy.

नई दिल्ली, 28 फरवरी, 2001

का.आ. 571.—दिनांक 28 अगस्त 1991 को भारत सरकार के राजपत्र असाधारण भाग-2, खंड 3 के उपखंड (ii) में प्रकाशित श्रम मंत्रालय की अधिसूचना सं. का.आ. 554 (अ) के साथ पठित कर्मचारी राज्य बीमा अधिनियम, 1943 (1945 का 34) की धारा 45-1 के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उत्तरांचल और छत्तीसगढ़ राज्यों का सृजन कर दिए जाने के फलस्वरूप निम्नलिखित अनुसूची के स्तम्भ (2) में उल्लिखित अधिकारियों को, उक्त अधिनियम के उपबंधों के अन्तर्गत दायरे में आए सभी कारखानों और प्रतिष्ठानों के संबंध में उक्त अनुसूची के स्तम्भ 3 में उल्लिखित क्षेत्र के लिए संबंधित राज्य के गठन की तारीख से उक्त अधिनियम के तहत वसूली अधिकारी की शक्तियों का उपयोग करने के लिए प्राधिकृत करती है।

क्र. अधिकारी का पदनाम सं.	क्षेत्र जहां शक्तियां प्रयोग की जानी है
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|---|-----------------|
| 1. उप निदेशक, कर्मचारी राज्य बीमा निगम, क्षेत्रीय कार्यालय, कानपुर (उत्तर प्रदेश) | उत्तरांचल राज्य |
| 2. उप निदेशक, कर्मचारी राज्य बीमा निगम, क्षेत्रीय कार्यालय इन्दौर (मध्य प्रदेश) | छत्तीसगढ़ राज्य |

[संख्या एस-38025/2/2001-एस.एस. I]

एल. एच. रुनगुल, अवसर सचिव

New Delhi, the 28th February, 2001

S.O. 571.—In exercise of the powers conferred by clause (b) of Section 45-1 of Employees State Insurance Act, 1943 (34 of 1945) read with notification of Govt. of India in the Ministry of Labour published in Part-II, Section 3 Sub-Section (ii) of the Gazette of India, extra ordinary vide S.O. 554(E) dated the 28th August 1991, the Central Govt. consequent upon creation of State of Uttaranchal and Chhatisgarh authorises the officers mentioned in Column (2) of the schedule below to exercise the powers of Recovery Officer under the said Act on and from the date of constitution of the State concerned for the area mentioned in column 3 of the said schedule, in relation to all factories and establishments covered under the provisions of the said act, namely :—

Sl. No.	Designation of the Officer	Area in relation to which to be exercised
1.	Deputy Director, Employees State Insurance Corporation, Regional Office, Kanpur (U.P.).	The State of Uttaranchal.
2.	Deputy Director, Employees State Insurance Corporation, Regional Office, Indore (M.P.).	The State of Chhatisgarh.

[No. S-38025/2/2001-SS-I]

L.H. RUOLNGUL, Under Secy.

नई दिल्ली, 28 फरवरी, 2001

का.आ. 572.—दिनांक 28 अगस्त 1991 को भारत सरकार के राजपत्र असाधारण भाग-2, खंड 3 के उपखंड (ii) में प्रकाशित श्रम मंत्रालय की अधिसूचना सं. का. आ. 554(अ) के साथ पठित कर्मचारी राज्य बीमा अधिनियम, 1943 (1945 का 34) की धारा 45-1 के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, उत्तरांचल और छत्तीसगढ़ राज्यों का सृजन कर दिए जाने के फलस्वरूप निम्नलिखित अनुसूची के स्तम्भ (2) में उल्लिखित अधिकारियों को, उक्त अधिनियम के अन्तर्गत दायरे में आए सभी कारखानों

और प्रतिष्ठानों के संबंध में उक्त अनुसूची के स्तम्भ 3 में उल्लिखित क्षेत्र के लिए संबंधित राज्य के गठन की तारीख से उक्त अधिनियम के तहत प्राधिकृत अधिकारी की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है।

क्र. अधिकारी का पदनाम	क्षेत्र जहां सं.	शक्तिया प्रयोग की जानी है
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1. संयुक्त निदेशक/उप निदेशक/सहायक निदेशक, कर्मचारी राज्य बीमा निगम, क्षेत्रीय कार्यालय, कानपुर (उत्तर प्रदेश)
2. संयुक्त निदेशक/उप निदेशक/सहायक निदेशक, कर्मचारी राज्य बीमा निगम, क्षेत्रीय कार्यालय, इन्दौर (मध्य प्रदेश)

[संख्या एस-38025/2/2001-एस.एस.1]]

एल.एच. रून्गुल, अवसर सचिव

New Delhi, the 28th February, 2001

S.O. 572.—In exercise of the powers conferred by clause (b) of Section 45-1 of Employees State Insurance Act 1943 (34 of 1945) read with notification of Govt. of India in the Ministry of Labour published in Part-II, Section 3 Sub-Section (ii) of the Gazette of India, extra ordinary vide S.O. 554(E) dated the 28th August 1991, the Central Govt. consequent upon creation of State of Uttaranchal and Chhatisgarh authorises the officers mentioned in Column (2) of the schedule below to exercise the powers of Authorised Officer under the said Act on and from the date of constitution of the State concerned for the area mentioned in column 3 of the said schedule, in relation to all factories and establishments covered under the provisions of the said Act, namely :—

Sl. No.	Designation of the Officer	Area in relation to which to be exercised
1.	Joint Director/ Deputy Director/ Assistant Director, Employees State Insurance Corporation, Regional Office, Kanpur (U.P.).	The State of Uttaranchal.
2.	Joint Director/ Deputy Director/ Assistant Director, Employees State Insurance Corporation, Regional Office, Indore (M.P.).	The State of Chhatisgarh

[No. S-38025/2/2001-SS-1]

L. H. RUONGUL, Under Secy.

नई दिल्ली, 1 मार्च, 2001

क्र. आ. 573 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सैलर्स बी. सी. सी. एल. के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण सं. 1, धनबाद के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-2-2001 को प्राप्त हुआ था।

[सं. एल-20012/(33)/90-आई आर (सी-1)]

एम. एस. गुप्ता, अवसर सचिव

New Delhi, the 1st March, 2001

S.O. 573.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. I, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCC Ltd. and their workman, which was received by the Central Government on 27-2-2001.

[No. L-20012/(33)/90-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under Section 10(1) (d)(2A) of the Industrial Disputes Act, 1947

Reference No. 132 of 1990

PARTIES :

Employers in relation to the management of Kachhi Bahari Colliery of M/s. BCCL.

AND

Their Workmen.

PRESENT :

Shri Sarju Prasad, Presiding Officer.

APPEARANCES :

For the Employers : Shri H. Nath, Advocate.

For the Workmen : Shri B. N. Singh, Secretary, Rashtriya Coolliery Mazdoor Sangh.

STATE : Jharkhand

INDUSTRY : Coal

Dated, the 15th February, 2001

AWARD

By Order No. L-20012(33)/90-I.R. (Coal-I) dated the 4th June, 1990 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Kachhi Bahari Colliery of M/s. Bharat Coking Coal Ltd. in not giving employ-

employment to Shri Nayimuddin and 17 others (shown in the annexure) is justified? If not, to what relief are the workmen entitled?"

2. This industrial dispute has been referred by the Central Government in the Department of Labour to adjudicate if the action of the management of Kachhi Balihari Colliery of M/s. B.C.C. Ltd. in not living employment to Shri Nayimuddin and 17 others, whose names find place in the annexure to be reference order, is justified. The further question to be adjudicated is the action of the management is not justified then to what relief are they entitled?

3. The case of the sponsoring union, namely, Rashtriya Colliery Mazdoor Sangh is that Nayimuddin and 17 others whose names find place in the annexure to the reference order were employed as Tyndals continuously by the management of Kachhi Balihari Colliery through intermediary at Nos. 5, 6 and 10 pits of the said colliery from January 1987 to 3-12-1988 who have been continuously working under the direct control and supervision of the management of the said colliery and their attendance in each calendar year was more than 240 days. According to them although they were working on the job of tyndals and miscellaneous job as per direction of the management but they were being paid less wages than the wages prescribed under the NCWA and in order to camouflage they are being shown as contractor's labour but in fact they are the workmen of the management of B.C.C. Ltd. The concerned persons have been stopped work on and from 14-12-1988. They requested the management of M/s. B.C.C. Ltd. to take them back in employment on their permanent roll but they did not listen such request. Since they were working continuously from January 1987 to 3-12-1988 and their attendance in each calendar year was more than 240 days they are entitled for their being placed on permanent post of the management from January, 1988 itself. The sponsoring union has raised the dispute and before the Conciliation Officer the management has admitted that the concerned persons have been working as contractor workers under one Jagdish Mishra. Since the concerned persons were working on permanent nature of job, therefore they are entitled for absorption as permanent employees of M/s. B.C.C. Ltd. from January, 1988, therefore they have made a prayer for passing an award holding the action of the management not justified and for making order to reinstate them as permanent workmen of the management from January 1988 with back wages.

4. The case of the management of Kachhi Balihari Colliery of M/s. B.C.C. Ltd. is that the reference is bad and not maintainable as there is no relationship of employer and employee between the

management of Kachhi Balihari Colliery and the concerned workmen who are only the contractor workers working under a contractor, Jagdish Mishra. According to them the management has been engaging them by issuing work order to Jagdish Mishra for doing some temporary nature of job and it was Jagdish Mishra who used to engage his workers and complete the job assigned to him. Since the works were of temporary and petty in nature and the management of Kachhi Balihari Colliery has no direct control over the workers of the contractor, therefore there is no relationship of employer-employee between the management of Kachhi Balihari Colliery and workers of the contractor, Jagdish Mishra. However, they have admitted that as per requirement under the provision of Section 18 of the Mines Act, 1952 the management's officers are duty bound to supervise the safety aspect of the work done by the contractor's workers also. Further according to the management, all the concerned workmen have not worked under the contractor, Jagdish Mishra nor they have worked for 240 days in a calendar year. Further according to them M/s. B.C.C. Ltd. is having surplus workmen, therefore it is not possible for them to give employment to the concerned persons, therefore according to them the action of the management in not regularising the concerned persons is justified and they are not entitled to any relief.

5. From the pleadings of the parties it is apparent that the management of Kachhi Balihari Colliery has admitted that Nayimuddin and 17 others are the contractor's workers working under a contractor, Jagdish Mishra. But according to them Jagdish Mishra was awarded contract in the temporary nature of job whenever there was any requirement to do so and all the concerned persons have not worked under such contractor and the concerned persons have never put in 190/240 days work in a calendar year.

6. In course of evidence management's witnesses have admitted that whoever goes into underground mine may be a contractor's workman or workman of the colliery he is issued cap lamp and safety boot and the name of such person is entered in Form 'C' register. The management's witnesses have admitted that the Cap Lamp Issue Register and Form 'C' Register will prove as to how many days a contractor's worker has worked into the underground mine. A petition was filed on behalf of the sponsoring union calling for the Attendance Register in Form 'C' and Cap Lamp Issue Register, but the management has not filed the same nor they have given any explanation for not filing the same.

7. During the course of cross-examination of the witnesses of the management questions have been put whether the management of Kachhi Balihari Colliery has been registered under the provision of Contract Labour (Regulation & Abolition) Act, 1970 and the so-called contractor, Jagdish Mishra

has got a licence under the Contract Labour (Regulation & Abolition) Act, 1970 to which they have shown their ignorance. The management has not filed any document showing that the management of Kachhi Balihari Colliery was registered for engagement of a contractor as required under Sec. 7 of the Contract Labour (Regulation & Abolition) Act, 1970 nor they have filed any licence to show that the so-called contractor, Jagdish Mishra was a licensee under the Contract Labour (Regulation & Abolition) Act. The management has produced one register of contractor which shows that Jagdish Mishra is being working as contractor right from 1-1-80 and during 1-1-80 to 31-3-81 maximum number of workers engaged by the contractor was 21. However, in this register the total number of workmen shown to be engaged by the said contractor, Jagdish Mishra, has been shown as 10 from 1-4-86 to 31-3-87, but there is no details from 1-4-87 to January, 1988 and again there is figure from February, 1988 to September, 1990. But for the relevant period there is no figure. But from this register it is clear that at least in the year 1980-81 this so-called contractor, Jagdish Mishra was engaging more than 20 persons, therefore he is required to obtain licence as required under the provision of Contract Labour (Regulation & Abolition) Act, 1970. Thus, it is clear that neither the establishment of the employer has been registered nor the so-called contractor, Jagdish Mishra is a licensee under the Contract Labour (Regulation & Abolition) Act. Therefore in view of the settled principle of law by the Apex Court as pronounced in different rulings including in the case of Air India Statutory Corporation Vs. United Labour Union reported in 1997 Lab. I.C. 365 = AIR 1997 (SC) 645 the workmen working under the so-called contractor will be deemed to be the workmen of the principal employer i.e. in the present case employee of M/s. B.C.C. Ltd.

8. The sponsoring union has examined WW-1, Jagdish Mishra who was working as Overman at South Balihari Colliery in Pit No. 6 during the years 1986-87. He has clearly stated that during the period 1986 to 1988 the concerned workmen were working in Balihari Colliery under the contractor, Jagdish Mishra. They used to do sundry works whatever was entrusted to them, such as loading work, the work of general mazdoor. During that period he used to supervise their work and all the implements of work, such as cap lamp, boot, gaita, rupe etc. were provided to them, for working underground by the management. WW-2, Nayimuddin is one of the concerned workmen, who has supported the case of the sponsoring union and he has stated that he alongwith other 17 persons have been working continuously except weekly holidays only. He has further said that their work was being supervised by the management, such as, Mining Sirdar, Overman and their attendance was being marked by the Attendance Clerk. The only concern with the contractor, Jagdish Mishra, was that he was making payment of wages to them. MW-3,

Amarendra Choudhary is the Joint Secretary of the sponsoring union who has supported its case and WW-4, Krishnandan Prasad is a Mining Sirdar of the management and he too has said that these persons were working as Tyndal in Kachhi Balihari colliery. The management has examined MW-1, Purushottam Das Sharma who is a Surveyor. He has proved 10 work orders Exts. M-1 to M-1/9 and also 10 bills, Exts. M-2 to M-2/9 and a letter addressed to Registering Officer under Contract Labour Act by the Dy. C.M.E. which has been marked Ext. M-3. He has clearly stated that Nayimuddin and 17 others were the contractor's workers. From the work orders Ext. M-1 series it is clear that the work orders relate to various jobs including the job of tyndal, cleaning of the debris into the underground mine, dressing side in coal, making duggis, loading and unloading and carrying of heavy materials which are the job of tyndal. This witness has said that he is concerned with only one pit of mine although there are four pits and the work order of all the pits have not been produced. The management has not shown any tender notice nor they have shown any quotation or the agreement between the management and the contractor. On the other hand, since neither the principal employer is a registered establishment for engagement of contractor nor the contractor is having any licence under the provisions of Contract Labour (Regulation and Abolition) Act, 1970, therefore it can be safely said that the arrangement regarding contract is nothing but a camouflage. Therefore the test of contract being real is not fulfilled in the present case.

9. The management has further examined MW-2, Abinash Prasad who has come to say that at Balihari colliery the management used to get executed some job of petty nature through contractor. The modalities of engagement of contractor is that the intending contractor has to apply for being engaged as such with necessary documents to the Headquarters of BCCCL at Koyla Bhawan. After approval of the name of the contractor, a list is sent to the General Manager of Area Office and the General Manager of the Area Office passes the list to the colliery giving approval for engagement of contractor from the list. For some specific contractual work there are some approved rates approved by the Headquarters of BCCCL at Koyla Bhawan and the contractor is engaged upon the approved rate. The management has not filed any such list approved by the Headquarters of BCCCL at Koyla Bhawan showing that Jagdish Mishra was an approved contractor. He has come to say that out of the concerned persons some of them have worked only for 10 to 12 days during the period 1987 to 3-12-1989, but he has admitted that the attendance of even contractor's worker is marked in Form 'C' register and Cap Lamp Issue Register. These registers are available in the colliery. But the management has not filed these registers nor they have offered any explanation for not filing these registers, although it was directed to the management to file those registers. The management has also examined MW-3, Krishna Mohan Prasad, who was Personnel Officer at Balihari Colliery till June 1988. He has come to say that Jagdish Mishra was engaged in the colliery as Contractor and the contractor used to engage his own workers. He has further come to say that the concerned workmen have never worked for more than 240 days in a calendar year. He has admitted that he is aware of the fact that a contractor engages 20 or more workmen is required to get licence under the Contract Labour (Regulation and Abolition) Act and the principal employer is also required to be registered for engagement of contractor, but he could not say if the principal employer is a registered establishment for engagement of contractor and the contractor, Jagdish Mishra is a licensee contractor. He has further stated that Contract Labour Register and Form 'C' Register will prove the attendance of the workmen. The MW-4, Badri Alam Khan who is Register Keeper has produced the register of contractor's workers and photo copies of six registers, but the original cap lamp issue register or Form 'C' register have not been produced.

10. Thus, from the evidence available on record, I find that the concerned persons have been continuously working during the period 1987 to 3-12-1988 and the management has deliberately suppressed Form 'C' register and Cap Lamp Register therefore adverse inference will have to be drawn against the management and it must be deemed that they have suppressed these documents because if produced the same would have proved that the concerned persons have worked for 240 days or more in a calendar year. Therefore, it is apparent that the work in which the concerned persons

were engaged are of permanent nature. Furthermore the register of the contractor itself goes to show that during one year approximately 200 contractor's workers were working continuously, therefore such work must be deemed to be permanent and perennial in nature because explanation to Section 5(b) clearly indicates that a work performed for more than 120 days in a preceding 12 months or in case of sessional work performed for more than 60 days in a year is to be deemed to be of an intermittent nature. Thus, it is apparent that the concerned persons were engaged by the management of Kachhi Balihari colliery of M/s. BCCL in permanent and perennial nature of job for more than 240 days in a calendar year without the so-called contractor being a licensee and establishment of Kachhi Balihari colliery being registered under the Contract Labour (Regulation and Abolition) Act. Therefore the concerned persons shall be deemed to be the workmen of Kachhi Balihari colliery of M/s. B.C.C. Ltd. and they are entitled to be regularised from the year 1988 itself, but in view of the fact that M/s. B.C.C. Ltd. is running in loss and there is no evidence that the concerned persons were not gainfully employed during the idle period, therefore they are not entitled for back wages.

11 In the result, I render—

AWARD

That the action of the management of Kachhi Balihari Colliery in not regularising the concerned workmen is not justified and the concerned persons as mentioned in the schedule to the reference order are entitled to be regularised as permanent workmen of Kachhi Balihari Colliery of M/s. B.C.C. Ltd. The management must regularise them as General Mazdoor Category-I within 30 days from the date of publication of the award failing which the concerned persons shall be entitled for wages of General Mazdoor Category I with effect from the date of publication of the award.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 1 मार्च, 2001

का. आ. 574.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी. सी. सी. एल. के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्विष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण से. 1, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-2-2001 को प्राप्त हुआ था।

[सं. एल-20012/102/96-आई.आर. (सी-I)]

एस. एस. गुप्ता, अवर सचिव

S.O. 574.—In pursuance of Section 17 of the New Delhi, the 1st March, 2001 Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. B.C.C. Ltd. and their workman, which was received by the Central Government on 27-2-2001.

[No. L-20012/102/96-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD
In the matter of a reference under Section 10(1)(d) (2A) of the Industrial Disputes Act, 1947

REFERENCE NO. 112 OF 1997

PARTIES :

Employers in relation to the management of
Amlabad Colliery of M/s. BCCL,

AND

Their Workmen

PRESENT :

Shri Sarju Prasad, Presiding Officer.

APPEARANCES :

For the Employers—Shri H. Nath, Advocate.

For the Workman—Shri S. C. Gour, Advocate.

STATE : Jharkhand.

INDUSTRY : coal.

Dated, the 12th February, 2001

AWARD

By Order No. L-20012/102/96-IR(C-I) dated, the 14th May, 1997 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication of this Tribunal :

“Whether the action of the management in denying to refer the workman Sh. B. Bhagtu Rajwar to Apex Medical Board for assessment of his age and fitness for job is justified? If not, to what relief is the concerned workman entitled?”

2. In this case Shri H. Nath, Advocate, appearing on behalf of the management on 8-2-2001 filed documents and submitted that the other side even on 8-2-2001 did not file rejoinder, hence he prayed for passing a ‘No Dispute’ Award in this case.

3. Shri S. C. Gour, Advocate, appearing on behalf of the workman submitted that inspite of sending letter to the workman he has not taken any interest in contesting his case.

4. In such circumstances I render a “No Dispute” award in the present industrial dispute.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 1 मार्च, 2001

का. आ. 575.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी. पी. सी. एल. के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्विष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-2-2001 को प्राप्त हुआ था।

[सं. एन-30012/(17)/96-आई.आर. (सी-I)]

एस. एस. गुप्ता, अवसर सचिव

New Delhi, the 1st March, 2001

S.O. 575.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. B.P.C. Ltd. and their workman, which was received by the Central Government on 27-2-2001.

[No. L-30012/(17)/96-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE SHRI K. S. SRIVASTAV PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 102/97

In the matter of dispute between:

The General Secretary,
B. P. Technician's Union,
RZ-G-140/2, Raj Nagar,
Part-II, D.D.A. Park,
Palam Colony,
New Delhi-45.

Versus

The Chief General

The Chief General Manager,
Bharat Petroleum Corpn. Ltd.,
Shakur Basti, New Delhi-56.

APPEARANCES : None.

AWARD

On finding the exercise of industrial dispute between the parties Bharat Petroleum Technician's Union Shakur Basti, New Delhi (hereinafter referred to as workman) and Management of Bharat Petroleum Corporation Limited Sector I Noida, Delhi (hereinafter referred to as Management this reference has been sent under section 10(1)(d) and (A) of the I.D. Act, 1947 vide order No. L-30012(17)/96-IR(C-I) dated 10/14 July, 1997 of the Central Government in the Ministry of Labour for the adjudication of the industrial dispute on the following terms:—

“Whether the demand of the Union for the uniformity in the system of recording of attendance of workmen at the B.P.C.L. installation at Shakur Basti, Delhi is legal and justified? If so, to what relief is the union entitled?”

2. The workman's case in short is that in the management establishment of Shakur Basti, New

Delhi the standing orders certified by the Labour Commissioner in 1981 were applicable alike on each of the employee of the management but the General Manager of the management has shown discriminatory attitude in respect of the making of the attendance of the employees. Some of the employees of the management were directed to make their attendance only by putting their signatures when some of the employees were required to mark their attendance by punching the time card given to him. It is further stated that the employees who were required to mark their attendance by punching their attendance had to punch their time card at different three places and minutes to minutes detail of their attendance was noted there when it was not the case with respect to the employees directed to mark their attendance by putting their signature only. According to the workman there should be uniformity in the system of marking attendance by all the employees of the management.

3. The Management has contested the workman's case.

4. In the written statement filed by the management at the first stage preliminary objections have been taken and it is stated that there is no proper espousal of the cause by the workmen for raising the industrial dispute. Secondly that the issue related with respect to the applicability of the certified standing order to the Shakur Basti installation of the management is not covered under schedule 3 of the Act, and reference thus is not legal. Thirdly that since the standing order in question were issued as per understanding reached between the workman and the management represented by Petroleum Workers Union in terms of the settlement dated 4-9-81 and the standing orders were certified in the month of March, 83 by the Regional Labour Commissioner (Central) Delhi. It is being enforced without being any ambiguity and the workman has no cause of action against the management.

5. On facts the management has denied that any discrimination was being shown to the employees of the management in respect to the system of marking their attendance. It is again stated that the standing orders were made applicable to the workman employed in the establishment of the management at Shakur Basti without any objection or protest of the employees in the Shakur Basti Installation the vast majority of whom were members of the petroleum workers union for the last 17 years. The Management has not denied the workman's assertion that the system of marking attendance by the workman was being regulated under clauses 8.2, 15.1 and 15.2 of the certified standing orders applicable to the Shakur Basti Establishment of the Management but they have stated that there was no discrimination shown to the workmen and the procedure for marking attendance was regulated strictly under the clauses aforesaid of the certified standing orders. In this respect it is further stated by the management that the clerical staff by and which reported for duty only for one shift and thus their attendance was being controlled and supervised strictly by the officer concerned to whom they had to report but as regards the workman working in different sections such as Tank lorry filling Shed, Tank wagon decantation siding Lubs filling Plant, etc. are required to report for duty in different shifts and their attendance was monitored/supervised

only through Time Card only, and in this manner there was no prejudice to the workmen who were required to mark attendance through punching the time card. It is further stated that the said system of marking attendance by punching time card was invoked in the Shakur Basti Installation even prior to the certification of the standing order. It is again stated that since workmen were operating in different shifts hence it was convenient to mark their attendance through the time cards.

6. In the rejoinder the workmen have reiterated their stand taken earlier in the case.

7. It appears that vide order dated 11-1-91 workmen were directed to be proceeded against exparte.

8. On behalf of the management though an affidavit of Shri V. R. Nayak was filed in the case but Shri V. R. Nayak failed to appear in for his cross-examination and vide order dated 20-11-2000 the management's evidence was closed.

9. I have carefully examined the facts of the case and material available on the record and I find that at the first instance it was required for the workmen to have established their case by cogent evidence. The workman has filed to file affidavit in support of their case. In my view workmen were required to stand on their own legs and if the management has failed to adduce any evidence in the case the workmen cannot take advantage of it. However, on behalf of the management affidavit of Shri V. R. Nayak has certainly been filed but it cannot be taken into consideration because of the failure of Shri V. R. Nayak to appear for his cross examination. Rule 10(B)(6) of the Industrial Disputes Central Rules 1957 specifically provides that where evidence is given on affidavit the opposite party should have the right to cross-examine each of the deponent filing the affidavit.

10. In view of the fact I find that since workmen have failed to establish this case and has allowed the case to go exparte against them a No Dispute Award has to be given. A No Dispute Award is given.

February 27, 2001

K. S. SRIVASTAV, Presiding Officer

नई दिल्ली, 1 मार्च, 2001

का. आ. 576.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. सी. सी. एल. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय गोदावरीखानी के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-2-2001 को प्राप्त हुआ था।

[सं. एल-22025/25/2001-आई आर (सी-II)]

एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 1st March, 2001

S.O. 576.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal/Labour Court, Godavarikhani

as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of S.C.C.L. and their workman, which was received by the Central Government on 28-2-2001.

[No. L-22025/25/2001-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
GODAVARIKHANI

PRESENT :

Sri P. Gurunadha Rao, B.Sc., B.L., Chairman-
cum-Presiding Officer.

Tuesday, the 23rd day of January, 2001

Industrial Dispute No. 30 of 1999.

BETWEEN

M. Srinivasa Reddy, S/o. Chandraiah,
E.C. No. 1228465, Ex-Coal Filler, GDK, 8A Inc.
Singareni Collieries Co., Ltd.,
Godavarikhani, presently residing at
Maredupalli (village), Peddapalli Mand,
Karimnagar District. . . Petitioner.

AND

1. The General Manager, RG-II Area,
Singareni Collieries Co. Ltd.,
Godavarikhani, Karimnagar District
2. The Superintendent of Mines,
GDK-8A Incline, Singareni Collieries
Co. Ltd., Godavarikhani. . . Respondents.

This petition coming before me for final hearing in the presence of Sri K. Sudhakar Reddy, Advocate for the petitioner and of Sri C. S. N. Reddy, Advocate for the respondents and having stood over for consideration till this date the court passed the following :—

AWARD

1. This is a petition filed U/s. 2-A(2) of the Industrial Disputes Act, 1947, as amended by A.P., Amendment Act, 1987.

Facts of the case briefly are as follows :—

The petitioner was appointed as badli-filler. He was confirmed as coal filler. He fell ill during the years 1996-97. He could not attend to his duties for some time. Charge-sheet was issued on 21-10-1997 for his absence from duties. He produced Medical certificate, but it was not considered. Domestic enquiry was conducted. The petitioner was not aware of the enquiry proceedings. He was removed from the service on 20-3-1998.

2. Respondents filed counter stating that the petitioner did not inform about his sickness during the years 1996-97. The petitioner did not produce any medical certificate during the enquiry. The petitioner was a habitual absentee.

3. Ex. W-1 and Ex. M-1 to Ex. M-11 are marked.

4. Heard both sides.

5. The point for consideration is whether the punishment of removal of the petitioner from the service is in proportion to the charge.

6. Point.—The petitioner admitted that he was absent from duties in the year, 1996-97 due to sickness.

Ex. W-1 is copy of medical certificates, Form-A certificate shows that the petitioner was examined on 19-10-97 and the period from 1-1-96 to 19-10-97 was recommended for leave.

Another certificate called fitness certificate shows that the petitioner was fit for duty from 20-10-97.

7. Ex. M-1 consists of pay particulars of the petitioner from January, 1997 to October, 1997. The petitioner was on casual leave for 11 days and sick leave for 15 days, in January, 1997, February, 1997, March, 1997, April, 1997, May, 1997 and June, 1997. The petitioner was on casual leave for 11 days and sick leave for 13 days in July, 1997, August, 1997, September, 1997, and October, 1997. It shows that the Medical certificate obtained by the petitioner in Ex. W-1 to the effect that the petitioner was not doing well from 1-1-1996 to 19-10-1997 was not true. If the petitioner was not doing well from 1-1-1996 to 19-10-1997, he would not have applied for casual leave and would not have attended to duty for some days in February, March, June, July and October, 1997.

8. Ex. M-3 is charge-sheet. It shows that the petitioner was totally absent in January, 1997, February, 1997, March, 1997, April, 1997 and May, 1997, August, 1997, and September, 1997. The petitioner was absent for 27 days in June, 1997, 23 days in July, 1997 and 14 days in October, 1997. It is further stated that the petitioner was present for 12 days in the year, 1996.

Ex. M-4 is explanation of the petitioner. The petitioner stated that he was not feeling well due to illness, so he could not attend to duties in the year, 1997. He did not state that he filed medical certificate for his absence. So it is clear that by the date of his explanation to the charge-sheet dated 3-11-1997, the petitioner did not submit medical certificate for his absence. Therefore, Ex. W-1 certificates cannot be believed.

The petitioner had no explanation for his absence in the year 1996 and from January, 1997 to October, 1997.

I, therefore, consider that the punishment of removal of the petitioner from the service is in proportion to the charge. Hence, I answer the point accordingly.

In the result, this petition is dismissed. The order of removal of the petitioner from the service is confirmed. Each party do bear their own costs.

Typed to my dictation, corrected and pronounced by me in the open court on this, 23rd day of January, 2001.

P. GURUNADHA RAO, Chairman-cum-Presiding Officer.

Appendix of Evidence

Witnesses-examined

For Workman :—Nil.

For Management :—Nil.

EXHIBITS

For Workman :—

Ex. W-1 dt. 19-10-97.—Fitness certificate (xer. copy).

For Management :—

Ex. M-1 dt. —Pay slips of petitioner from January, 1997 to October, 1997.

Ex. M-2 dt. —Attendance particulars of petitioner for the period from January, 1997 to October, 1997.

Ex. M-3 dt. 21-10-97.—Charge-sheet.

Ex. M-4 dt. 3-11-97.—Reply to charge-sheet.

Ex. M-5 dt. 7-11-97.—Enquiry notice.

Ex. M-6 dt. 9-11-97.—Enquiry officer nomination letter.

Ex. M-7 dt. —Enquiry proceedings.

Ex. M-8 dt. —Enquiry report.

Ex. M-9 dt. 15/17-12-97.—Notice.

Ex. M-10 dt. 12-1-98.—Representation of petitioner.

Ex. M-11 dt. 20-3-98.—Dismissal order.

नई दिल्ली, 1 मार्च, 2001

का. आ. 577.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रा. 17 के अनुसरण में, केन्द्रीय सरकार एम. पी. सी. एच. के प्रवर्तन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/प्रम व्याख्यान गोदावरिकहानी के पंचाल को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-2-2001 को प्राप्त हुआ था।

[नं. एच-22025/25/2001-आई आर (पे-II)]

एम. पी. केशवन, डेस्क अधिकारी

New Delhi, the 1st March, 2001

S.O. 577.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal-Labour Court, Godavarikhani as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of S.C.C.L. and their workman, which was received by the Central Government on 28-2-2001.

[No. L-22025/25/2001-IR(-H)]

N. P. KESHVAN, Desk Officer

ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
GODAVARIKHANI

PRESENT :

Sri P. Gurunadha Rao, B.Sc., B.L., Chairman-
cum-Presiding Officer.

Tuesday, the 23rd day of January, 2001
Industrial Dispute No. 81 of 1998.

BETWEEN

Singathi Kishan, S/o. Mallaiah,
38 years., Ex-Coal Filler, E. C. No. 2282771,
R/o. Patha Bellampally village,
Post : Akenapalli, District Adilabad. . .Petitioner.

AND

1. The General Manager,
M/s. Singareni Collieries Co. Ltd.,
Mandamarri Area, P. O. Mandamarri,
District Adilabad.
2. The Superintendent of Mines,
Somagudem No. 1 Incline,
M/s. S.C. Co. Ltd., Somagudem,
District Adilabad. . .Respondents.

This petition coming before me for final hearing in the presence of Sri B. Amarendar Rao, Advocate for the petitioner and of Sri C. S. N. Reddy, Advocate for the respondents and having stood over for consideration till this date, the court passed the following :

AWARD

1. This is a petition filed U/s. 2-A (22 of the Industrial Disputes Act, 1947, as amended by A.P., Amendment Act, 1987.

Facts of the case briefly are as follows :—

The petitioner was appointed as badli-filler in the year, 1986. He was promoted as coal-filler in the year, 1989. On 9-1-98, charge-sheet was issued against him for his absence from duty in the year, 1997. Domestic enquiry was conducted and the petitioner was removed from the service on 19-8-98.

2. Respondents filed counter stating that the petitioner worked for 42 days in the year, 1997. The attendance of the petitioner in the years 1994 to 1996 was very poor.

3. Ex. W-1 and Ex. W-2 are marked on behalf of the petitioner. Ex. M-1 to Ex. M-12 are marked on behalf of the respondents.

4. Heard both sides.

5. The point for consideration is whether the charge against the petitioner is proved, if so, whether the punishment of removal of the petitioner from the service is in proportion to the charge.

6. Point.—Ex. M-1 is charge-sheet. It shows that the petitioner was absent from 3-1-1997 to 21-1-1997, 1-2-1997 to 4-2-1997, 16.2.1997 to 18-2-1997 and 24-2-1997 to 28-2-1997, for the entire

March, 1997, from 1-4-1997 to 8-4-1997 and 14-4-1997 to 30-4-1997, for the entire May, 1997, June, 1997, entire September, 1997 and many days in July, 1997, August, 1997, October, 1997, November, 1997 and December, 1997.

Ex. M-2 is explanation to the charge-sheet. The petitioner stated that he was suffering with General weakness. He took treatment in Bellampally and Area Hospital. He was unable to work in the year, 1997.

There is no whisper that the petitioner submitted Medical certificate for his absence in the year, 1997.

7. Ex. M-6 is enquiry proceedings.

Ex. M-7 is enquiry report.

Ex. M-10 is representation of the petitioner stating that he received enquiry report. He further stated that in the year, 1997, he could not attend to duty due to his ill-health.

8. Counsel for the respondents represented that the petitioner worked for 42 days only in 1997.

The petitioner did not submit any medical certificate for his absence.

I, therefore, consider that the charge against the petitioner is proved and the punishment of dismissal of the petitioner from the service is in proportion to the charge. Hence I answer the point accordingly.

In the result, this petition is dismissed. The order of dismissal of the petitioner from the service is confirmed. Each party do bear their own costs.

Typed to my dictation, corrected and pronounced by me in the open court on this, 23rd day of January, 2001.

P. GURUNADHA RAO, Chairman-cum-
Presiding Officer.

Appendix of Evidence

Witnesses-examined

For Workman :—Nil.

For Management :—Nil.

EXHIBITS

For Workman :—

Ex. W-1 dt. .—Photostat copies of medical certificates issued by the company authorities.

Ex. W-2 dt. 19-8-98.—Dismissal order.

For Management :—

Ex. M-1 dt. 9-1-98.—Charge-sheet.

Ex. M-2 dt. -do.—Explanation to the charge-sheet.

Ex. M-3 dt. 13-6-98.—Enquiry call letter.

Ex. M-4 dt. -do.—Undelivered returned postal cover with Ack.,

Ex. M-5 dt. 29-6-98.—Enquiry call letter.

Ex. M-6 dt. .—Enquiry proceedings.

Ex. M-7 dt. .—Enquiry report of the enquiry officer.

Ex. M-8 dt. 19-7-98.—Letter addressed to the petitioner by the General Manager, Mandamari Area, SCCL.

Ex. M-9 dt. 30-7-98.—Acknowledgement.

Ex. M-10 dt. 29-7-98.—Application of the petitioner.

Ex. M-11 dt.—Service particulars and attendance particulars of the petitioner.

Ex. M-12 dt. 19-8-98.—Dismissal order.

नई दिल्ली, 1 मार्च, 2001

का. भा. 578.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम. सी. सी. एल. के प्रबन्धन के संबंध निरोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण गोदावरीखानी के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-2-2001 को प्राप्त हुआ था।

[सं. एल-22025/25/2001—आई आर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 1st March, 2001

S.O. 578.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal Godavarikhani as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of S.C.C.L. and their workman, which was received by the Central Government on 28-2-2001.

[No. L-22025/25/2001-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
GODAVARIKHANI

PRESENT :

Sri P. Gurunadha Rao, B.Sc., B.L., Chairman-cum-Presiding Officer.

Wednesday, the 31st day of January, 2001.
Industrial Dispute No. 97 of 1999.

BETWEEN

Gunda Satyam, S/o Param, Age 35 yrs.,
R/o. Kalyani Khani, C/o. 16-9-749/41/1,
Race Course Road, Malakpet, Hyderabad,
Godavarikhani, Karimnagar. Petitioner.

AND

The Colliery Manager,
Singareni Collieries Co. Ltd.,
Kalyani Khani No. 5 Bellampally,
Adilabad District. Respondent.

This petition coming before me for final hearing in the presence of Sri G. Ravi Mohan, Advocate for

the petitioner and of Sri C. S. N. Reddy, Advocate for the respondent and having stood over for consideration till this date, the court passed the following :—

AWARD

1. This is a petition filed U/s. 2-A(2) of the Industrial Disputes Act, 1947, as amended by A.P., Amendment Act, 1987.

Facts of the case briefly are as follows :—

The petitioner was working as coal-filler. He fell sick in the year, 1995. He attended to duties in May and June, 1996. After that, he could not attend to duty till December, 1996. Charge-sheet was issued against him stating that he had put-in only three days of attendance in the year, 1996. Domestic enquiry was conducted and the petitioner was dismissed from the service on 7-4-98.

2. Respondent filed counter stating that the petitioner never informed about his sickness and never submitted any leave application. The petitioner did not disclose about his ill-health during the enquiry proceedings. The petitioner was a chronic absentee. It is further stated that the petitioner had put-in 13 days of attendance in 1994 and 28 days of attendance in 1995.

3. Petitioner and his advocate are absent. Ex. M-1 to Ex. M-13 are marked.

Heard respondent.

4. The point for consideration is whether the charge against the petitioner is proved, if so, whether the punishment of dismissal of the petitioner from the service is in proportion to the charge.

5. Point :—Ex. M-1 is charge-sheet. It shows that the petitioner attended to duty for three days only in the year, 1996.

Ex. M-3 is explanation to the charge-sheet. The petitioner stated that he was not keeping good health. He was taking treatment in the company hospital as well as in the private hospitals. He was suffering from Gas trouble and General weakness. Now he was cured. He might be exonerated from the charge.

It shows that the petitioner admitted the charge, but pleaded ill-health as the reasons for his absence.

He did not state that he submitted any sick certificate or applied for any kind of leave.

6. Ex. M-5 is enquiry proceedings.

Ex. M-6 is enquiry report.

Ex. M-7 is show-cause notice.

Ex. M-8 is reply to show-cause notice: The petitioner stated that he was absent from duty from January, 1996 to December, 1996. He worked for three days only during that period. He received charge-sheet. He attended to the enquiry.

7. The petitioner worked for three days in the year, 1996. He did not submit any medical certificate. He did not apply for any kind of leave.

I, therefore, consider that the charge against the petitioner is proved and the punishment of dismissal of the petitioner from the service is in proportion to the charge. Hence, I answer the point accordingly.

In the result, this petition is dismissed. The order of dismissal of the petitioner from the service is confirmed. Each party do bear their own costs.

Typed to my dictation, corrected and pronounced by me in the open court on this, 31st day of January, 2001.

P. GURUNADHA RAO, Chairman-cum-Presiding Officer

Appendix of Evidence

Witnesses-examined

For Workman.—Nil.

For Management.—Nil.

EXHIBITS

For Workman.—Nil.

For Management.—

Ex. M-1 dt. 28-4-97.—Charge-sheet.

Ex. M-2 dt. 12-5-97.—Acknowledgement.

Ex. M-3 dt. 16-5-97.—Reply to charge-sheet.

Ex. M-4 dt. 19-5-97.—Enquiry notice.

Ex. M-5 dt. 26-5-97.—Enquiry proceedings.

Ex. M-6 dt. 19-6-97.—Enquiry report.

Ex. M-7 dt. 31-8-97.—First show-cause notice.

Ex. M-8 dt. 17-9-97.—Representation of petitioner.

Ex. M-9 dt. 10-12-97.—Verification report along-with medical certificates.

Ex. M-10 dt. 27-12-97.—Corrigendum to enquiry report.

Ex. M-11 dt. 10-2-98.—Second show-cause notice.

Ex. M-12 dt. 18-3-98.—Vartha Telugu press notification.

Ex. M-13 dt. 7-4-98.—Dismissal order.

नई दिल्ली, 1 मार्च, 2001

का. घा. 579.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. सी. सी. एल. के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/भ्रम न्यायालय गोदावरीखानी के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-2-2001 को प्राप्त हुआ था।

[चं. एल-22025/25/2001-आई घार (सी-II)]

एन० पी० केशवन, डेस्क अधिकारी

New Delhi, the 1st March, 2001

S.O. 579.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal/Labour Court, Godavari Khani as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of S.C.C.L. and their workman, which was received by the Central Government on 28-2-2001.

[No. L-22025/25/2001-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,

GODAVARIKHANI

PRESENT :

Sri P. Gurunadha Rao, B.Sc., B.L., Chairman-cum-Presiding Officer.

Tuesday, the 23rd day of January, 2001

Industrial Dispute No. 112 of 1998.

BETWEEN

Potham Mallaiah, S/o. Late Ramaiah, Age 46 yrs., Occ : Coal Filler in MVK-V Incline, R/o. Pedda Dubba of Akenapally G.P., Post : Akenapally, Mand. Bellampalli, Adilabad District. . Petitioner.

AND

The General Manager(P), Singareni Collieries Co. Ltd., Bellampalli. —Respondent.

This petition coming before me for final hearing in the presence of Sri J. Rajuiah, Advocate for the petitioner and of Sri C. S. N. Reddy, Advocate for the respondent and having stood over for consideration till this date, the court passed the following :—

AWARD

1. This is a petition filed U/s. 2-A(2) of the Industrial Disputes Act, 1947, as amended by A.P., Amendment Act, 1987.

Facts of the case briefly are as follows :—

The petitioner was working as coal-filler. On 29-4-97, charge-sheet was served against him for his irregular attendance in the year, 1996. Domestic enquiry was conducted and the petitioner was dismissed from the service w.e.f. 29-11-97.

2. Respondent filed counter stating that the petitioner was appointed on 1-10-1982. He was absent for a number of days from January, 1996 to December, 1996.

3. Ex. M-1 to Ex. M-9 are marked.

4. Heard both sides.

5. The point for consideration is whether the charge against the petitioner is proved, if so, whether the punishment of removal of the petitioner from the service is in proportion to the charge.

6. Point.—Ex. M-2 is charge-sheet. It shows that the petitioner worked for 99 days in 1996 and he was absent for 174 days in the year, 1996.

Ex. M-3 is explanation to the charge-sheet. The petitioner stated that he could not attend to duty regularly in the year, 1996 due to his ill-health.

There is no whisper that the petitioner submitted any medical certificate for his absence in the year, 1996.

7. Ex. M-5 is enquiry proceedings.

Ex. M-6 is enquiry report.

Ex. M-8 is explanation of the petitioner after receiving enquiry report. The petitioner stated that he was not doing well and therefore, he could not attend to duty regularly. He was enclosing hospital bills.

The petitioner did not state that he submitted any medical certificate for his absence in the year, 1996.

1, therefore, consider that the charge against the petitioner is proved and the punishment of dismissal of the petitioner from the service is in proportion to the charge. Hence, I answer the point accordingly.

In the result, this petition is dismissed. The order of dismissal of the petitioner from the service is confirmed. Each party do bear their own costs.

Typed to my dictation, corrected and pronounced by me in the open court on this, 23rd day of January, 2001.

P. GURUNADHA RAO, Chairman-cum-
Presiding Officer

Appendix of Evidence

Witnesses-examined

For Workman.—Nil.

For Management.—Nil.

EXHIBITS

For Workman.—Nil.

For Management.—

Ex. M-1 dt. 6-8-93.—Enquiry Officer nomination letter, (xerox copy).

Ex. M-2 dt. 29-4-97.—Charge-sheet.

Ex. M-3 dt. 20-6-97.—Explanation to charge-sheet.

Ex. M-4 dt. 16-6-97.—Enquiry notice.

Ex. M-5 dt. 20-6-97.—Enquiry proceedings.

Ex. M-6 dt. 21-6-97.—Enquiry report.

Ex. M-7 dt. 21/23-10-97.—Letter addressed to the petitioner by G.M., B.A.A.(P).

Ex. M-8 dt. 13-11-97.—Application of the petitioner.

Ex. M-9 dt. 18/20-11-97.—Dismissal order.

नई दिल्ली, 1 मार्च, 2001

का. घा. 580.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस्. सी. सी. एल. के प्रबन्धतंत्र के संघ नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय गोदावरीखानी के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-2-2001 को प्राप्त हुआ था।

[सं. एल-22025/25/2001-आई धार (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 1st March, 2001

S.O. 580.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal/Labour Court, Godavarikhani, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of S.C.C.L. and their workman, which was received by the Central Government on 28-2-2001.

[No. L-22025/25/2001-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL TRIBUNAL : CUM : LABOUR COURT, GODAVARIKHANI

PRESENT :

Sri P. Gurunadha Rao, B.Sc., B.L.,
Chairman-cum-Presiding Officer.

Wednesday, the 6th day of December, 2000

INDUSTRIAL DISPUTE NO. 138 OF 1997

BETWEEN :

Macherla Komuraiah, S/o Mallaiah,
Aged 55 yrs., Ex-Shot Firer of GDK-5 Incline,
R/o Ashok Nagar, Near Old Ashok Talkies,
P.O. Godavarikhani-505 209, Dist. Karimnagar.
— Petitioner

AND

1. The Singareni Collieries Co. Ltd.,
R/p. by its General Manager,
Ramagundam Area-I, Dist. Karimnagar-505 209.
2. The Colliery Manager,
GDK. No. 5 and 5-A Incline,
Ramagundam, PO : Godavarikhani-505 209,
Dist. Karimnagar.
3. The Chairman & Managing Director,
S.C. Co. Ltd., PO : Kothagudem,
Dist. Khammam-507 101.
4. The Chief Medical Officer,
S.C. Co. Ltd., PO : Kothagudem,
Dist. Khammam-507 101. — Respondents.

This petition coming before me for final hearing in the presence of Sri K. Sudhakar Reddy, Advocate for the petitioner and of Sri C. S. N. Reddy, Advocate for the respondents and having stood over for consideration till this date, the court passed the following:—

AWARD

1. This is a petition filed U/s. 2-A(2) of the Industrial Disputes Act, 1947, as amended by A.P. Amendment Act, 1987.

Facts of the case briefly are as follows:

The petitioner was appointed as Mazdoor on 27-2-1963. He was retired from service on medical grounds w.e.f. 11-7-79. The petitioner questions his retirement on medical grounds as it was illegal and unjust.

2. Respondents filed counter.

3. Ex. W-1 to Ex. W-6 and Ex. M-1 to Ex. M-12 are marked.

4. Heard both sides.

5. The point for consideration is whether the retirement of the petitioner on medical grounds was illegal, if so, whether the petitioner can be reinstated into service.

6. POINT: Ex. W-3 is order dt. 17-7-79. It shows that the name of the petitioner was removed from the rolls w.e.f., 11-7-79 in pursuance of the petitioner being found unfit for underground service by a medical board.

The petitioner was examined by a Medical Board and found unfit for underground service. So, he was removed from the service. It amounts to compulsory retirement on medical grounds.

Ex. W-6 is letter dt. 24-10-91. It shows that the wife of the petitioner was given employment when the petitioner was declared unfit for underground job.

7. Ex. M-3 is letter dt. 15-6-79. It shows that the petitioner requested the General Manager to provide employment to his wife because he was declared unfit for underground job.

Ex. M-4 is letter dt. 1-7-79 appoint the wife of the petitioner as Clay Catridge Mazdoor for two months.

Ex. M-5 is letter dt. 4-9-79 appoint the wife of the petitioner as Clay Catridge Mazdoor for three months.

8. The petitioner was removed from the service on medical grounds. It amounts to compulsory retirement. It was not illegal. The wife of the petitioner was provided employment. The petitioner kept quiet for 18 years.

The petitioner now wants reinstatement.

Once an employee is removed or retired on medical grounds, he shall question his removal or retirement as soon as possible, if it is illegal. After a long lapse of time, an employee cannot be permitted

to raise the question of legality of his removal made on medical grounds.

In the present case, the petitioner was compulsorily retired on medical grounds. His wife was provided employment. Terminal benefits were given to him.

There is no material on record to show that the decision of the medical board declaring the petitioner as unfit for underground work was illegal.

I, therefore, consider that the retirement of the petitioner on medical grounds was not illegal and the petitioner cannot be reinstated into service. Hence, I answer the point accordingly.

In the result, this petition is dismissed. Each party do bear their own costs.

Typed to my dictation, corrected and pronounced by me in the open court on this, 6th day of December, 2000.

P. GURUNADHA RAO, Chairman-cum-Presiding Officer

APPENDIX OF EVIDENCE

WITNESSES-EXAMINED

For workman:

-Nil-

For Management:

-Nil-

EXHIBITS

For workman:

Ex. W-1 dt. 27-2-63 Appointment order.

Ex. W-2 dt. 9-12-77 Letter addressed to Colliery Manager, GDK No. 5 Incline by Sr. Medical Officer, Ramagundam Division.

Ex. W-3 dt. 17-7-79 Underground unfit letter of petitioner.

Ex. W-4 dt. 3-8-91 First aid certificate of petitioner (xerox copy).

Ex. W-5 dt. 13-2-79 Underground unfit letter.

Ex. W-6 dt. 24-10-91 Appeal rejection order.

For Management:

Ex. M-1 dt. 27-6-63 Temporary appointment of petitioner as Tunnel Mazdoor (xerox copy).

Ex. M-2 dt. 13-2-79 Underground unfit letter of petitioner.

Ex. M-3 dt. 15-6-79 Application of petitioner.

Ex. M-4 dt. 1-7-79 Office-order.

Ex. M-5 dt. 4/5-9-79 -do-

Ex. M-6 dt. 12-9-79 Letter No. GDK 9/79/1756 issued by SME. GDK. 9 Incline.

Ex. M-7 dt. 7/9-12-79 Office order.

- Ex. M-8 dt. 28-1-81 Quarter allotment letter to wife of petitioner (xerox copy).
- Ex. M-9 dt. 11-4-91 Application of petitioner (xerox copy).
- Ex. M-10 dt. 2-5-91 Lr. No. P. 10/4202/IR/824 issued by corporate personnel department (xerox copy).
- Ex. M-11 dt. 9-9-91 Lr. addressed to the G.M., (Personnel), Kothagudem by General Manager, RG-I, (xerox copy).
- Ex. M-12 dt. 24-10-91 Lr. addressed to the petitioner by the General Manager, Personnel.

नई दिल्ली, 1 मार्च, 2001

का. भा. 581.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम. सी. सी. एल. के प्रबन्धतंत्र के संबंध में निोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय गोदावरीखानी के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-2-2001 को प्राप्त हुआ था।

[स. एल-22025/25/2001-आई आर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 1st March, 2001

S.O. 581.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal/Labour Court, Godavarikhani, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of S.C.C.L. and their workman, which was received by the Central Government on 28-2-2001.

[No. L-22025/25/2001-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL TRIBUNAL : CUM : LABOUR COURT, GODAVARI-KHANI

PRESENT :

Sri P. Gurunadha Rao, B.Sc., B.L., Chairman-cum-Presiding Officer.

Wednesday, the 31st day of January, 2001

INDUSTRIAL DISPUTE NO. 159 OF 1997

BETWEEN :

1. B. Ramulu,
2. B. Lingaiah,
3. M. Sugender Rao,
4. K. Anjaiah,
5. Ch. Niranjan Reddy,

6. L. Mahender Reddy,
7. K. Bheemaiah,
8. M. Sammaiah,
9. V. Satyanarayana,
10. J. S. Somaraju,
11. A. Chandramouli,
12. P. Jagan Mohan Rao ~ Petitioners.

AND

1. The General Manager,
M/s. S.C.C.L., Ramagundam-III,
Division, Godavarikhani-505 209.
2. The General Manager,
M/s. S.C.C.L., Open Cast-II &
Open Cast-III, Godavarikhani. — Respondents.

This petition coming before me for final hearing in the presence of Sri K. Sudhakar Reddy, Advocate for the petitioner and of Sri C.S.N. Reddy, Advocate for the respondents and having stood over for consideration till this date, the court passed the following :—

AWARD

1. This is a reference by the Government of India dt. 12-11-97. The reference is whether the twelve Welders (claimants) are required to work for 8 hours per day shift or whether they are required to work only for 6 hours per day in a shift.

The claimants filed claim statement stating that since welding is hazardous and highly skilled nature of work, welders of the respondent company were asked to discharge duties for 6 hours a day. As per the existing practice, the claimants are working for 6 hours per shift from the date of their appointment.

As per the settlement dt. 12-3-90, the management agreed to limit the working hours of the existing welders on rolls to 6 hours per shift w.e.f., 15-3-90. But the management insisted the claimants to work for 8 hours per day.

2. Respondents filed counter stating that the claimants were appointed after 12-3-90. The settlement dt. 12-3-90 applies only to the welders existing as on that date, but not to the welders appointed after that date.

3. WW-1 and WW-2 are examined.

Ex. W-1 to Ex. W-9 are marked.

MW-1 is examined and Ex M-1 and Ex. M-2 are marked.

4. Heard both sides.

5. The point for consideration is whether the benefit under the settlement dt 12-3-90 applies to the claimants.

6. POINT : WW-1 is Sri J. S. Somaraju, claimant No. 10. He deposes that he was appointed in the year, 1987 as Trainee. He was made permanent in 1990.

Counsel for the respondents argued that the claimants were appointed after 12-3-90 only. Prior to that, some of the claimants had undergone Apprenticeship Training for one year under Apprenticeship Act.

Ex. W-6 is office order dt. 29-7-87, Claimants 11 and 12 were appointed as Apprentice Trainees for a period of one year from 2-8-87.

Ex. W-7 and Ex. W-8 are office orders dt. 6-12-87, claimants 1 to 4, 6, 8 and 10 were appointed as Apprentice Trainees for a period of one year from 8-12-87.

The claimants have not filed their appointment orders for their regular posts of Welders.

Respondents filed appointment orders of the claimants. Respondents in their counter gave the date of appointment of the claimants. All the claimants were appointed after 12-3-90, though they had undergone Apprenticeship training previously.

The claimants cannot claim their appointment as Apprentice trainee as their date of appointment for the post of Welders.

By the date of settlement dt. 12-3-90, the claimants were not on the rolls of the corporation.

7. Ex. W-4 is settlement dt. 12-3-90. Item No. 20 of the settlement is working hours for welders. The management agreed to limit the working hours of the existing welders on rolls to 6 hours per shift w.e.f., 15-3-90.

The claimants are claiming the benefit of 6 hours per shift on par with the welders who were parties to the settlement.

Counsel for the claimants argued that it is discrimination on the part of the management between welders appointed prior to 12-3-90 and after 12-3-90.

The management and the workers entered into an agreement and it was binding between the management and the workers. The management agreed to limit the working hours of the existing welders on rolls to 6 hours per shift w.e.f., 15-3-90.

The stress is on the existing welders on rolls at the time of the agreement.

The present claimants can also agitate for their benefits against the management and they can enter into an agreement with the management for the working hours.

But the present claimants did not prefer to enter into an agreement with the management. Instead, they preferred a reference by the Government of India.

The agreement dt. 12-3-90 was entered into between the management and the existing workers on rolls. The management was compelled to give concession in working hours to the existing welders. The management was not compelled to agree for 6 hours shift for future welders.

8. WW-1 deposes in his cross examination that in Singareni Company, a shift is 8 hours duty. He further deposes that he was appointed as trainee in 1987. He further deposes that he was made permanent after 12-3-90. It is not correct. He was appointed after 12-3-90. Prior to that he had undergone apprentice training in 1987 for one year.

He admits that other claimants were appointed after 12-3-90.

9. WW-2 is Sri L. Shankaraiah. He deposes that all the claimants are working 6 hours a day.

He deposes in his cross examination that he was regularised in September, 1988.

10. The reference is whether the claimants are required to work for 6 hours a day or 8 hours a day as per the settlement dt. 12-3-90. Therefore, even if the claimants are working for 8 hours a day at present is not material.

According to MW-1, the claimants are working 8 hours a day.

Ex. M-2 is circular dt. 27-3-90. It was issued as per the settlement dt. 12-3-90. It shows that all the welders appointed after 12-3-90 were required to work for 8 hours a day in a shift. The settlement dt. 12-3-90 was not made applicable to the welders appointed after 12-3-90.

11. The working hours in a shift are 8 hours. The welders who were appointed prior to 12-3-90 were given benefit of working 6 hours a day in a shift. But the same benefit was not given to the welders appointed after 12-3-90. It may amount to discrimination. But the welders appointed after 12-3-90 have no right to claim the benefit of 6 hours a day work in a shift. The management was not obliged to extend the benefit of settlement dt. 12-3-90 to future welders who were appointed after 12-3-90. Discrimination to some extent is permissible as far as it does not affect the rights of workers.

In the present case, the claimants have no right to claim 6 hours a day work in a shift. The normal working hours are 8 hours a day in a shift. No right of the claimants is affected by Ex. M-2 Circular and even by the settlement dt. 12-3-90.

I, therefore, hold that the claimants have no right to claim the benefit of the settlement dt. 12-3-90. Hence, I answer the point accordingly.

In the result, the reference is answered against the claimants. The claimants have no right to claim the benefit of the settlement dt. 12-3-90. It is not discrimination affecting the rights of the claimants. The claimants shall work for 8 hours a day in a shift. Each party do bear their own costs.

Typed to my dictation, corrected and pronounced by me in the open court on this, 31st day of January, 2001.

P. GURUNADHA RAO, Chairman-cum-Presiding Officer

APPENDIX OF EVIDENCE WITNESSES-EXAMINED

For workmen :—

WW-1 — J. S. Soma Raju, E. P. Welder, OCP-III, Petitioner No. 10.

WW-2 — L. Shankaraiah, E. P. Welder, OCP-III, 8 Incline colony.

For Management :—

MW-1 — L. V. Nageswara Sharma, Dy. Personnel Manager, S.C. Co. Ltd., Ramagundam.

EXHIBITS

For workmen :—

Ex. W-1 dt. 22-10-62 Memorandum of settlement.

Ex. W-2 dt. 29-10-62 Circular No. P. 24/112/5226 (xer. copy).

Ex. W-3 dt. 5-5-79 Circular Ref. No. P4/561/1853 issued by G.M., S.C.C.L., (xer. copy).

Ex. W-4 dt. 10/11 and 12-3-90 Memorandum of settlement (xer. copy).

Ex. W-5 dt. 26/27-5-85 Office-order.

Ex. W-6 dt. 29-7-87 Office-order (xerox copy).

Ex. W-7 dt. 6-12-87 Office-order (xerox copy).

Ex. W-8 dt. 6-12-87 Office-order (xerox copy).

Ex. W-9 dt. 19-3-90 Circular issued by General Manager (P), Bellampalli (xerox copy).

For Management :—

Ex. M-1 dt. 18-6-93 Notification with Award in I.D. 6/87 of the Industrial Tribunal, Hyderabad, (xerox copy).

Ex. M-2 dt. 27-3-90 Circular No. P. 40/4833/IR/598 issued by Director, (P.A. & W) S.C.C.L., (xerox copy).

नई दिल्ली, 7 मार्च, 2001

श्री. आ. 582.—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (क) के उपखंड (vi) के उपबंधों के अनुसरण में भारत सरकार के धर्म मंत्रालय की अधिसूचना संख्या का. आ. 2179 दिनांक 13 सितम्बर, 2000 द्वारा बैंकिंग

उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 19 सितम्बर, 2000 से छह मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था ;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छह मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है ;

अतः अथ, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (क) के उपखंड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 19 मार्च, 2001 से छह मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है ।

[सं. एस.-11017/5/97-आई. आर.
(पी. एल.)]

एच. सी. गुप्ता, अवसर सचिव

New Delhi, the 7th March, 2001

S.O. 582.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) of the clause (n) of section 2 of the Industrial Dispute Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O. 2179 dated 13th September, 2000 the services in Banking Industry to be a public utility service for the purpose of the said Act, for a period of six months from the 19th September, 2000.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a period of six months from the 19th March, 2001.

[No. S-11017/5/97-IR(PL)]
H. C. GUPTA, Under Secy.